

Town of Tully
June 10, 2020

VIRTUAL

7:00PM

PUBLIC HEARING OF THE TULLY TOWN BOARD
TO CONSIDER THE FOLLOWING:

The enactment of proposed Local Law No. 3 for the year 2020 to ensure that the benefits of the community's solar energy resource are available to the entire community by promoting the installation of solar-energy-generating equipment through a payment-in-lieu-of-taxes (PILOT) program

Members Present: Supervisor John Masters
Councilor John Snavlin
Councilor Christopher Chapman
Councilor Catherine Goodwin
Councilor Speziale
Town Clerk Susan Vaccaro

Others present: Town Attorney Robert S. DeMore, Financial Officer Thomas Chartrand, Parks & Rec Director Ryan Dando, Highway Superintendent John Herold, Fire Captain Chad Wakula, *The Tully News* Editor Ben Bibik, Sean Reardon, Greg Hering, John Sidd, Residents Maximo Flint-Morgan, Melissa O'Mara, Joyce Snavlin, Kevin Stack

Notice of this Public Hearing was published in the Post Standard on May 31, 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 declared the public hearing open, advised that the local law had been posted on the town's website, and advised that all board members were now present. He then called for comments from the floor.

Maximo Flint-Morgan referred to the local law on the website and asked if it was the point of a PILOT agreement to create a cash payment to the town from the solar developer to reduce the cost of the system and then to ensure a sustainable revenue stream for the community. Is that correct? Mr. Masters replied in the affirmative. Greg Hering from NB Development also added that they were looking to sell power from these projects to residents through a program called "community solar". And that would allow a roughly 10% discount of their electric bill which would be on the generation portion of the bill.

Ben Bibik asked if the resident would have to take specific action to opt in. Greg Hering answered that yes, it would not be automatic. Town board member John Snavlin asked if there was a contract to sign to obtain power at the 10% discount. Greg responded that in the past, there was a contract, but the State is still finalizing the process, so it's going to be more towards notifying the utility that you would like to participate, and then you'll see it on your bill. We'll have more information on this within the next couple of months. It was pushed back with covid.

Maximo Flint-Morgan asked if the purpose of the local law is to allow the town board to enter into a PILOT agreement with developers. Robert DeMore answered in the affirmative. He stated that it sets up a law allowing the town board to enter into PILOT agreements with developers. He stated that we have already received the notice of intent from this applicant and responded within the statutory 60 days that we would enter into a PILOT agreement. This is controlled by Section 487 of the Real Property Tax Law. So we'll be negotiating with the school district and the applicant on a PILOT program.

There was further discussion regarding whether or not there would be a public hearing before the board and the school entered into a PILOT. Mr. DeMore responded that it would happen during the course of the town board and school board meetings.

There was also discussion regarding the length of the PILOT agreement which would be fifteen years. John Sidd mentioned that solar projects such as this would be completely exempt from property tax for fifteen years, so the town is permitted under the law to require payments in lieu of tax during that fifteen-year period as long as those payments don't exceed what those

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taxes would otherwise be. So the town is taking the steps to make sure that there is some revenue generated from these projects. Brief discussion followed.

RESOLUTION 67-20

MOTION TO CLOSE THE PUBLIC HEARING AT 7:18PM was made by Supervisor Masters. Second by Councilor Speziale.

The resolution was ADOPTED by ROLL CALL VOTE:

Masters - affirmative
Snavlin - affirmative
Speziale - affirmative
Goodwin - affirmative
Chapman - affirmative

7:30PM

TOWN BOARD MEETING

Supervisor Masters opened the meeting and advised that all board members were present.

RESOLUTION 68-20

MOTION TO APPROVE THE MINUTES OF THE MAY 13TH MEETING. Motion by Councilor Speziale. Second by Councilor Goodwin.

The resolution was ADOPTED by ROLL CALL VOTE:

Chapman - affirmative
Goodwin - affirmative
Speziale - affirmative
Snavlin - affirmative
Masters - affirmative

RESOLUTION 69-20

MOTION TO APPROVE THE VOUCHERS. Motion by Councilor Chapman. Second by Councilor Goodwin.

The resolution was ADOPTED by ROLL CALL VOTE:

Chapman - affirmative
Goodwin - affirmative
Speziale - affirmative
Snavlin - affirmative
Masters - affirmative

Financial Report

Tom Chartrand reviewed receipts and disbursements for the month of May and reported on grant monies received from Onondaga County, justice court fines, and strong recoveries in the ambulance fund. Also in the ambulance fund, the grant for the thermal imaging camera was received. On the expense side, Tom reported there was not much going on.

RESOLUTION 70-20

MOTION TO ACCEPT THE FINANCIAL REPORT FOR THE MONTH OF MAY 2020. Motion by Councilor Chapman. Second by Councilor Speziale.

The resolution was ADOPTED by ROLL CALL VOTE:

Masters - affirmative
Snavlin - affirmative
Speziale - affirmative
Goodwin - affirmative
Chapman - affirmative

Highway

John Herold reported on the following:

- Very busy month
- We had one repair.
- I talked to Tom, and we decided to go ahead with the road improvements, but there's been no clear answer from the DOT on CHIPS money.

Tom suggested we hold a meeting on June 24th to approve the bill, and then John Herold could deliver a check to Suit-Kote on the 25th. Brief discussion.

(Continuing with the highway report)

- John reported they are keeping up with the lawn mowing, but the roadside grass is growing fast.
- Town cleanup day will be delayed until the Fall this year.
- And finally, John reported that he had called the DOT engineer regarding the paving that had been done on Rt. 80 last year due to complaints from residents about their

driveways and the roads, but he had not heard back from him yet. He thought it might be helpful if other people called and possibly our town supervisor as well to report some dissatisfaction with the job done. Brief discussion followed.

Ambulance

Fire Captain Chad Wakula reported on the following:

- Number of EMS calls for May was 39
- Our Fire-EMS training will resume on June 17th of this month
- The three town automatic defibrillators, I am replacing the pads in those by the end of the month because they expire
- Striker was in to service the three Lifepak-15 monitors in the ambulance and the Medicar
- And surprisingly, nothing broke this month.

Parks & Recreation

Ryan Dando reported this evening on Parks & Rec activities:

The Parks & Rec board met last evening and discussed whether or not to open Green Lake. They decided that we should at least make a good faith effort to open the beach with some guidelines in place. So we plan to open on June 27th. We would be opening at 50% occupancy, so about 35 people. There would be constant cleaning of bathrooms. We would be open daily from 12 to 6:30pm. And we would close from 3-3:30pm each day to clean. Guards would be rotated. No beach toys and no picnic tables. Lifeguards would wear masks. Town of Tully residents only. And possibly a waiver for all beachgoers when they sign up for the beach. Lengthy discussion followed with questions and comments by board members. Afterwards, Ryan agreed that if there is non-compliance, the beach would have to close. The Town Board agreed to make a motion to open the beach as follows:

RESOLUTION 71-20

MOTION TO SUPPORT THE OPENING OF GREEN LAKE BEACH INCLUDING ANY RULES THAT APPLY DUE TO THE COVID PANDEMIC. Motion by Councilor Goodwin. Second by Councilor Speziale.

The resolution was ADOPTED by ROLL CALL VOTE:

Chapman - affirmative
Goodwin - affirmative
Speziale - affirmative
Snavlin - affirmative
Masters - affirmative

(Continuing with the parks & rec report)

Ryan also advised that the tennis courts would be finished this week. He also stated that there has been more activity on the town fields. We're limiting it to groups of less than ten, and as we move to phase 4, we're hoping for full activity. In fact, a high school lacrosse league may want to use the property. Discussion followed.

Next, opening up the bathrooms behind the town hall was discussed after which it was agreed that we would wait till July to open them.

Fire

No report.

Agenda item no. 8

Discuss and decide on opening of Town offices and format for July town board meeting

Town Supervisor John Masters advised that the courts are establishing guidelines for their openings in the town halls.

Mr. Masters suggested that the July town board meeting could be an in-person meeting where social distancing is practiced and there is a limited audience. It would just be town board members and department heads along with Tom Chartrand, our Town clerk and Town attorney. Discussion followed regarding social distancing and where we would be as far as phase 3 and phase 4 of the governor's guidelines. It was suggested that we may need some further discussion on that, so more information to follow.

As far as adopting the procedures for risk mitigation and opening the town offices, Supervisor Masters suggested that most of it was acceptable to him, but felt the visitor's screening was not practical and thought that perhaps a sign at the entry doors outlining what would be acceptable to enter would make more sense. Discussion ensued regarding adopting the general guidelines

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without the visitors' screening document which could be worked on and discussed further later on.

RESOLUTION 72-20

MOTION TO ADOPT THE GENERAL GUIDELINES FOR RISK MITIGATION SAFETY RULES AND PROCEDURES PUT FORTH BY OUR TOWN ATTORNEY AND WITHOUT THE VISITOR'S SCREENING DOCUMENT was made by Councilor Speziale. Seconded by Councilor Chapman.

The resolution was ADOPTED by ROLL CALL VOTE:

Chapman - affirmative
Goodwin - affirmative
Speziale - affirmative
Snavlin - affirmative
Masters - affirmative

Legal

Supervisor Masters next suggested the board discuss and then act on the special use permits for the NB Development solar sites.

RESOLUTION 73-20

SUPERVISOR MASTERS MADE THE MOTION TO ADOPT THE FOLLOWING RESOLUTION AND READ INTO THE RECORD AS FOLLOWS:
THE TOWN BOARD HAS IN FRONT OF THEM A DETAILED RESOLUTION AND ATTACHED SUBMITTAL SUMMARY APPROVING AN APPLICATION TO ISSUE A SPECIAL USE PERMIT FOR A TIER 3 SOLAR ENERGY SYSTEM BY NB DEVELOPMENT LLC, THE PROJECT BEING KNOWN AS DRUMM, PURSUANT TO LOCAL LAW NO. 1, 2020 OF THE TOWN OF TULLY, AND FOR THE REASONS STATED THEREIN, SAID RESOLUTION IS MOVED AND IS DULY PUT TO VOTE ON JUNE 10, 2020 BY THE TOWN BOARD.
SECONDED BY COUNCILOR SNAVLIN.

Supervisor Masters called for any discussion on the motion. There being no discussion,

The resolution was ADOPTED by ROLL CALL VOTE:

Chapman - affirmative
Goodwin - affirmative
Speziale - affirmative
Snavlin - affirmative
Masters - affirmative

RESOLUTION 74-20

SUPERVISOR MASTERS MADE THE MOTION TO ADOPT THE FOLLOWING RESOLUTION AND READ INTO THE RECORD AS FOLLOWS:
THE TOWN BOARD HAS IN FRONT OF THEM A DETAILED RESOLUTION AND ATTACHED SUBMITTAL SUMMARY APPROVING AN APPLICATION TO ISSUE A SPECIAL USE PERMIT FOR A TIER 3 SOLAR ENERGY SYSTEM BY NB DEVELOPMENT LLC, THE PROJECT BEING KNOWN AS POTTER NORTH, PURSUANT TO LOCAL LAW NO. 1, 2020 OF THE TOWN OF TULLY, AND FOR THE REASONS STATED THEREIN, SAID RESOLUTION IS MOVED AND IS DULY PUT TO VOTE ON JUNE 10, 2020 BY THE TOWN BOARD.
SECONDED BY COUNCILOR SPEZIALE.

Supervisor Masters called for any discussion on the motion. There was a question as to the location of the site which was answered. There was also a question as to whether the planning board had reviewed this, and Mr. Masters answered that the planning board had reviewed the project in its entirety, and they did make a recommendation for its approval. Mr. DeMore added that there had been five meetings altogether in which both planning and town boards had reviewed the project in great detail.

The resolution was ADOPTED by ROLL CALL VOTE:

Chapman - affirmative
Goodwin - affirmative
Speziale - affirmative
Snavlin - affirmative
Masters - affirmative

RESOLUTION 75-20

SUPERVISOR MASTERS MADE THE MOTION TO ADOPT THE FOLLOWING RESOLUTION AND READ IT INTO THE RECORD AS FOLLOWS:

THE TOWN BOARD HAS IN FRONT OF THEM A DETAILED RESOLUTION AND ATTACHED SUBMITTAL SUMMARY APPROVING AN APPLICATION TO ISSUE A SPECIAL USE PERMIT FOR A TIER 3 SOLAR ENERGY SYSTEM BY NB DEVELOPMENT LLC, THE PROJECT BEING KNOWN AS POTTER SOUTH, PURSUANT TO LOCAL LAW NO. 1, 2020 OF THE TOWN OF TULLY, AND FOR THE REASONS STATED THEREIN, SAID RESOLUTION IS MOVED AND IS DULY PUT TO VOTE ON JUNE 10, 2020 BY THE TOWN BOARD. SECONDED BY COUNCILOR GOODWIN.

Supervisor Masters called for any discussion on the motion. There being no discussion,

The resolution was ADOPTED by ROLL CALL VOTE:

Chapman - affirmative
Goodwin - affirmative
Speziale - affirmative
Snavlin - affirmative
Masters - affirmative

(The aforementioned resolutions, 73-20, 74-20 and 75-20 are included in their entirety at the end of these minutes.)

RESOLUTION 76-20

MOTION BY THE TOWN BOARD TO APPOINT ITSELF AS LEAD AGENCY FOR THE SHORT ENVIRONMENTAL ASSESSMENT FORM FOR THE PILOT LAW. Motion by Councilor Chapman. **Seconded by Councilor Speziale.**

The resolution was ADOPTED by ROLL CALL VOTE:

Chapman - affirmative
Goodwin - affirmative
Speziale - affirmative
Snavlin - affirmative
Masters - affirmative

RESOLUTION 77-20

Next, Mr. Masters read the eleven questions and answers on the Short Environmental Assessment Form Part 2 - Impact Assessment into the minutes.

(This document is included in its entirety at the end of these minutes.)

Mr. DeMore then asked Mr. Masters to take a roll call vote of the board on acceptance of the answers to those eleven questions, in other words, agreeing that the proposed action will not result in any significant adverse environmental impact.

The resolution was ADOPTED by ROLL CALL VOTE:

Chapman - affirmative
Goodwin - affirmative
Speziale - affirmative
Snavlin - affirmative
Masters - affirmative

RESOLUTION 78-20

MOTION TO ADOPT THE PILOT LAW AS LOCAL LAW NO. 3 OF 2020. Motion by Councilor Speziale. **Seconded by Councilor Chapman.**

The resolution was ADOPTED by ROLL CALL VOTE:

Masters - affirmative
Snavlin - affirmative
Speziale - affirmative
Goodwin - affirmative
Chapman - affirmative

Supervisor Masters just had two announcements before closing the meeting. Grievance Day is now on June 23, 2020 at the town hall. There will be a brief meeting on 6/24 at 7:30 involving a highway issue.

MOTION TO ADJOURN THE MEETING AT 8:47PM. Motion was made by Councilor Speziale. **Second by Councilor Chapman.**

The resolution was ADOPTED by ROLL CALL VOTE:

Chapman - affirmative
Goodwin - affirmative
Speziale - affirmative
Snavlin - affirmative
Masters - affirmative

Respectfully submitted,
Susan Vaccaro, Town Clerk