

7:00PM

**PUBLIC HEARING OF THE TULLY TOWN BOARD
ON THE APPLICATION OF TETRA TECH
(CLEAR PATH ENERGY)
FOR A SOLAR ZONING OVERLAY DISTRICT**

Members Present: Supervisor John Masters
Councilor John Snavlin
Councilor Frank Speziale
Councilor Catherine Goodwin

Town Clerk Susan Vaccaro

Absent: Councilor Christopher Chapman

Others present: Financial Officer Thomas Chartrand, Town Attorney Robert S. DeMore, Highway Superintendent John Herold, Parks & Recreation Director Sarah Panzarella, Fire Captain Chad Wakula, Fire Commissioner Ed Wortley, *The Tully News* Editor Ben Bibik, Sean Reardon from TetraTech, Code Enforcement Officer Ralph Lamson

Notice of this Public Hearing was published in the Post Standard on March 26, 2023. Supervisor Masters opened the public hearing and asked for comments from the floor. At this time, there were no comments.

Sean Reardon from Tetra Tech, an engineering firm that works with the developer, explained that they have two additional solar projects planned for Tully. One is on the same parcel as the Potter North project and the other is on the Shirley Solar parcel on the crest of the hill. He gave a brief presentation on what is planned for those projects.

7:15PM At this time, there being no comments from the floor, the following motion was made, seconded and adopted.

RESOLUTION 31-23

Motion by Councilor Snavlin, second by Councilor Speziale to close the public hearing.

(Masters, Snavlin, Speziale, Goodwin) Ayes 4 Nays 0

7:30pm

**REGULAR TOWN BOARD MEETING
TULLY TOWN HALL
5833 MEETING HOUSE RD TULLY NY**

Others present: Janet and Kim from Tully Action Group, Trudy Krewson, Matthew Doody, William Lund, Nate Shirley, Dennis & Carrie Edinger

Supervisor Masters declared the town board meeting open and led in the Pledge of Allegiance.

Brief Presentation by Kim Guttendorf & Janet Hillenbrand

Kim and Janet are members of TAG, the Tully Action Group, and wanted to let everyone know that Tully Rotary is honoring Larrian Johnston as the Citizen of the year with a banquet on April 27th at Logan’s at Orchard Vali.

Approval of Minutes

The minutes of the March meeting were made available via email. Motion was made by Councilor Goodwin and seconded by Councilor Snavlin to approve the minutes.

(Masters, Snavlin, Speziale, Goodwin) Ayes 4 Nays 0

Vouchers

Motion was made by Councilor Speziale and seconded by Councilor Snavlin to pay the audited bills out of the proper funds.

(Masters, Snavlin, Speziale, Goodwin) Ayes 4 Nays 0

Financial Report

Mr. Chartrand reviewed receipts and disbursements for March including NYCLASS interest which is over 4%; court fines were good; ambulance recoveries were just under \$17,000. It was a quiet month for expenses. Tom also reviewed statistics on the General Fund, Highway Fund and the Ambulance Fund after which came a motion to approve the financial report.

RESOLUTION 32-23

Motion by Councilor Snavlin, second by Councilor Goodwin to accept the financial report.

(Masters, Snavlin, Speziale, Goodwin) Ayes 4 Nays 0

RESOLUTION 33-23

Motion was made by Supervisor Masters and seconded by Councilor Speziale to approve the bank reconciliation which was handed out earlier and signed by all.

(Masters, Snavlin, Speziale, Goodwin) Ayes 4 Nays 0

RESOLUTION 34-23

Motion by Councilor Speziale, second by Councilor Snavlin that the town board has audited the supervisor's records for 2022.

(Masters, Snavlin, Speziale, Goodwin) Ayes 4 Nays 0

Highway

John Herold reported on the following highway activities:

- We've finished snow plowing
- We had one repair – a garage door
- We're starting to sweep the roads now
- We'll be hauling in stone soon for next season
- There was an issue with Banner Road. Mr. DeMore indicated that it's a highway by use, so we can have the town clerk send a letter to the county to that effect.

RESOLUTION 34A-23

Motion by Councilor Snavlin, second by Councilor Goodwin authorizing the town clerk to send a letter to the county indicating we recognize Banner Road as a town road.

(Masters, Snavlin, Speziale, Goodwin) Ayes 4 Nays 0

(Continuing with the Highway Report)

- Earth Day is on Friday, April 21st and Saturday, April 22nd and the shop will be open from 9am to noon on that Saturday for drop-offs
- Spring Cleanup Day is May 13th from 9am to 3pm. Mattresses and TVs will be accepted.
- We are losing two employees from the highway department

Ambulance

Fire Captain Chad Wakula reported on the following ambulance activities:

1. Number of EMS calls for March was 55.
2. New stretcher is on order; June-July delivery date
3. New civil service list should be available in the first part of May; hopefully will be able to fill the vacant full-time position

Parks & Recreation

Sarah Panzarella reported on parks & rec activities:

- Baseball and softball seasons have started
- Bathrooms at the pavilion are open

- Martha Boulay’s cleaning service has been contacted to start cleaning the bathrooms
- Green Lake registration for Tully residents is now open; our numbers should work out including the other towns (Lafayette, Fabius & Pompey)
- The Moo Run is June 17th. It’s in honor of Jim Paccia who is retiring. We’re going to do it here on our cross-country course and invite alumni.

Fire

Fire Commissioner Ed Wortley was present this evening and reported that Boralex, a renewable energy company, will be coming to the fire department next week. Brief discussion followed.

Updates - Completed Justice Court Audit

Supervisor Masters advised that he, Councilor Goodwin and Court Clerk Janis Hartnett had reviewed all records necessary to complete the justice court audit and asked the board to approve same, thus came the following motion:

Resolution 35-23

Motion was made by Councilor Speziale and seconded by Councilor Snavlin to approve the audit of the justice court records and that the fines collected therein have been turned over to the proper town officials.

(Masters, Snavlin, Speziale, Goodwin) Ayes 4 Nays 0

I certify that I have compared the aforesaid document with the original on file in this office and that the same is a correct copy therefrom and of the whole of such original.

Susan Vaccaro, Town Clerk

Dated: April 19, 2023

Public input from the Floor

William Lund, a resident, and speaking as a taxpayer, expressed concerns about the highway department losing half its workforce. Brief discussion followed.

Councilor Snavlin asked about the progress on the Rt.11a Water District. Mr. Masters explained that Barton and Loguidice, the engineering firm, needs easements to begin the construction. And since the land is being transferred from Honeywell to the Onondaga Nation, we need them to agree to those easements.

Legal Update

Next, Mr. Masters announced that the board would need to review Part 2 of the EAF for the SEQR for the overlay district. The planning board had certain recommendations for the town board, so Supervisor Masters read through the questions and the answers. Afterwards came the following resolution:

Resolution 36-23

The Town Board has reviewed the full resolution concerning the completion of Part 3 of the Environmental Assessment form and based upon the reasons set forth in this resolution and the Town Board’s review of the reasonably anticipated areas of environmental concern related to the proposed creation of the Overlay District, the criteria for determining significance in the SEQRA regulations, and the findings and conclusions stated herein, the Town Board finds that the creation of the Overlay District will not cause a significant adverse environmental impact and, therefore, an environmental impact statement need not be required to be prepared for this action.

The Town Board authorizes Supervisor Masters to execute part 3 of the EAF indicating the issuance of a negative declaration, and to direct the Supervisor to file and provide notice of the negative declaration in accordance with the applicable provisions of law.

Call for a vote (Speziale, Snavlin, Masters, Goodwin) Ayes 4 Nays 0

RESOLUTION 37-23

WHEREAS, having fully considered the Application, the recommendations of the Tully Joint Planning Board, the recommendations of County Planning, comments from the public during the public hearing, and the requirements of the Overlay District Law, the Town Board hereby makes the following findings and determinations regarding the review decision relating to the creation of the proposed Overlay District:

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF TULLY, as follows:

1. The prior recitals are incorporated by reference.
2. The Application, to the extent practicable, preserves prime farm land because the future projects will not displace any active farm, include minimal excavation or permanent structures, and require decommissioning in accordance with the Town’s solar law. Therefore, the Town Board finds the Overlay District will not have a significant effect on prime farm land in the Town.
3. Although the Overlay District will include the existing Potter North solar project as well as two proposed solar projects, the three combined facilities which are owned by affiliated entities will not have a specific effect on community character. The board finds that siting these three facilities by affiliated entities will minimize the footprint by eliminating internal setbacks, and based upon the natural screening caused by topography and vegetation, views of these facilities from area residences and other locations in the Town will be minimal to non-existent. For the same reason, siting solar facilities within the Overlay District will not impact scenic views which are important to the Town.
4. Because of the unique topography and lack of visual impacts at this location, the Town Board finds that other alternative parcels for siting the overlay district, coupled with the availability of a desirable location adjacent to an existing facility, are not available or feasible for this Applicant.
5. The Overlay District is not located in close proximity to any lake and is not within the watershed of the Town’s Kettle Lakes.
6. For all the aforementioned reasons, the Application to establish the Overlay District is approved, and the Applicant may proceed with further proceedings relating to its Application for Tier 3 Solar Energy System permits, including further public hearings, and further review consistent with SEQRA.

The question of the adoption of the foregoing Resolution was put to a vote which resulted as follows:

(Masters, Snavlin, Speziale, Goodwin) Ayes 4 Nays 0

(The full text of the aforementioned resolution is in the Town Clerk’s office.)

RESOLUTION 38-23

Motion by Councilor Goodwin and seconded by Councilor Snavlin to adopt the Intermunicipal Agreement between Tully, Fabius, Pompey and Lafayette for the Town of Tully to provide swim services to these adjoining towns.

(Masters, Snavlin, Speziale, Goodwin) Ayes 4 Nays 0

Additional Public Input from the Floor

Trudy Krewson spoke to the board expressing her concerns about the solar farms in Tully and the potential for further development of solar farms in the town. Other residents present expressed their concerns and had questions for the board and the representative from TetraTech as well. Lengthy discussion ensued.

RESOLUTION 39-23

Motion to schedule a public hearing for the application of Clear Path Energy for Special Use Permits for 2 Solar Projects. Motion by Supervisor Masters and seconded by Councilor Snavlin.

(Masters, Snavlin, Speziale, Goodwin) Ayes 4 Nays 0

Motion to move into executive session at 8:40pm to discuss a personnel matter.
Motion by Councilor Snavlin and seconded by Councilor Speziale.
(Masters, Snavlin, Speziale, Goodwin) Ayes 4 Nays 0

EXECUTIVE SESSION

Motion to move out of executive session at 8:47pm with no action taken.
Motion by Supervisor Masters and seconded by Councilor Speziale.
(Masters, Snavlin, Speziale, Goodwin) Ayes 4 Nays 0

Supervisor Masters briefly discussed the Rt. 81 lawsuit the town had joined in with other towns and said our attorney advised that we should hire Mr. Frateschi to dismiss our claim and involvement in the lawsuit.

RESOLUTION 40-23

Motion to hire Mr. Frateschi to dismiss our claim and involvement in the aforementioned lawsuit. Motion by Supervisor Masters and seconded by Councilor Speziale.
(Masters, Snavlin, Speziale, Goodwin) Ayes 4 Nays 0

Motion to Adjourn

Motion was made by Councilor Snavlin and seconded by Councilor Speziale to adjourn the meeting at 8:50pm.
(Masters, Snavlin, Speziale, Goodwin) Ayes 4 Nays 0

Respectfully submitted,

Susan Vaccaro, Town Clerk