

**TOWN OF SULLIVAN
TOWN BOARD MEETING
DECEMBER 15, 2021 AT 5:00 P.M.**

A regular meeting of the Town Board of the Town of Sullivan was convened at 5:00 p.m. on December 15, 2021 by Supervisor John Becker.

The meeting was held at the Town Office Building located at 7507 Lakeport Road. The meeting was also streamed live via YouTube and the link and passcode for the public to join the meeting were posted on the Town's website.

Present were: Supervisor John Becker, Councilors Jeff Martin; Kerry Ranger, Tom Kopp and John Brzuszkiewicz; Comptroller Beth Ellis; Receiver of Taxes Katy Vanderwerken; Attorney for the Town John Langey; Highway Superintendent Andy Busa; Supervisor's Secretary Dawn Cottet; Deputy Comptroller Kelly Bassett; and Deputy Town Clerk Jill Doss.

Also present were: Bruce Burke of PAC99, David Montroy, Daniel Gibbons, and Gary Sternberg of 9021 North Road.

Pledge to the flag was led by Supervisor Becker.

APPROVAL OF DECEMBER 1, 2021 MEETING MINUTES

A motion was duly made by Councilor Martin and seconded by Councilor Brzuszkiewicz to approve the minutes of December 1, 2021. With no further discussion the following vote was recorded to adopt the Town Board meeting minutes of December 1, 2021:

Thomas J. Kopp Jr.	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
Kerry Ranger	Councilor	Voted	Yes
John Brzuszkiewicz	Councilor	Voted	Yes
John M. Becker	Supervisor	Voted	Yes

FUEL AND PROPANE BID OPENING

Supervisor Becker opened the bid documents received for fuel and propane at 5 p.m. The bids received as follows:

1. Buell Fuels

	<u>Base</u>	<u>Fluctuating Net</u>	<u>Fixed Net</u>
Diesel	2.2518	2.3343	2.3900
ULSD Winter			
60/40 with additive	2.3518	2.4343	2.4939
Gasoline	2.2926	2.4476	N/A
Propane	1.3950	1.5750	1.5385

2. Mirabito Energy Products

Propane			1.6500
Gasoline 87'			
Octane E10	2.3550	2.5050	N/A
Diesel Fuel	2.3368	2.4868	2.4735
ULSK (Winter Blend w/Diesel)	2.5120	2.6620	2.7335

The bid documents were given to Highway Superintendent Busa to review and make a recommendation to the Board.

HIRE HIGHWAY DEPARTMENT STAFF

Supervisor Becker advised the Town Board that the Highway Department is hiring Neil Sanders as a new staff member starting January 6 2022 at a pay rate of \$26.53 per hour. Upon the motion made by Councilor Martin, seconded by Councilor Ranger and with no further discussion, the Town Board unanimously affirmed the hiring of Neil Sanders at the Highway Department effective January 6, 2022 at an hourly rate of \$26.53.

2022 TOWN TAX BILL INSERT

Supervisor Becker advised the Town Board that an insert with the Town Property Tax bill is being requested to inform residents of changes in the payment process as there isn't sufficient room on the tax bill to explain the changes. According to the Tax Receiver this new process will save money for the Town. Individuals will still be able to pay in person at the Bank but there will be a greater cost for this process, Community Bank requirements will make mail in payments significantly less costly for the Town. The Board recommended this information not only be placed on the Town website but also on Facebook to ensure residents are aware of this change. Upon the motion made by Councilor Martin, seconded by Councilor Kopp, and with no further discussion the Town Board approved the following tax bill payment process information be inserted into the 2022 Town Property Tax bills.

"Important Notice for the 2022 Town and County Taxes

The Town of Sullivan would like you to know that the way your tax payments will be processed is changing starting this year. This change will help save money for everyone.

What does this change mean for you?

- *Mail in Payments* will now be mailed to:
Town of Sullivan
Department 2570
PO Box 986500
Boston, MA 02298-6500

Please continue to make all checks payable to: Receiver of Taxes

- *For partial Payments*, that are accepted through January 31, 2022, will still follow the normal guidelines. However, only partial payments will be handled directly at the Town of Sullivan.

To ensure your partial payment is processed correctly, please contact the Receiver of Taxes by phone at: (315) 687-9190 during business hours, Monday—Friday 9:00 a.m. to 4:30 p.m. or anytime by email at: Kvanderwerken@Townofsullivan.org

- *Escrow Payments*: If your bank takes care of paying the taxes on your behalf from your escrow account, then this change will not affect you. We have already notified them of the processing change.

For further information, you can visit our website at:

<https://www.townofsullivanny.gov/> or contact the Receiver of Tax, Kathryn Vanderwerken at 315-687-9190 or by email at: Kvanderwereken@townofsullivan.org

Thank you for all your cooperation."

PUBLIC HEARING – PROPOSED LOCAL LAW E-2021
AMENDING ARTICLE IX, ADD CERTAIN NEW DEFINITIONS, NEW PROVISIONS,
GOVERNING DECOMMISSIONING OF SOLAR FARMS AND PROTECTION OF
AGRICULTURAL RESOURCES AND OTHER PROVISIONS TO ENSURE THAT THE
HEALTH, SAFETY, AND WELFARE OF THE TOWN IS PROTECTED FROM LARGE-
SCALE SOLAR ENERGY SYSTEMS

Upon the motion made by Councilor Brzuszkiewicz, seconded by Councilor Martin, the public hearing for proposed Local Law E-2021 was called to order with no further discussion, the Town Board unanimously approved the motion to open the public hearing.

Supervisor Becker asked if anyone wished to speak for or against the proposed Local Law for updating the Town's Code for Solar Energy Systems. No one spoke for or against the proposed Local Law.

Upon the motion made by Councilor Kopp, seconded by Councilor Martin and with no further discussion the Town Board unanimously approved the motion to close the public hearing for proposed Local Law E 2021.

TOWN OF SULLIVAN LOCAL LAW NO. E OF 2021
(“A LOCAL LAW TO AMEND THE TOWN OF SULLIVAN ZONING LAW
(CHAPTER 275 OF THE TOWN OF SULLIVAN TOWN CODE) BY AMENDING
ARTICLE IX (“SOLAR ENERGY SYSTEMS”) TO ADD CERTAIN NEW DEFINITIONS,
NEW PROVISIONS GOVERNING DECOMMISSIONING OF SOLAR FARMS AND
PROTECTION OF AGRICULTURAL RESOURCES AND OTHER PROVISIONS TO
ENSURE THAT THE HEALTH, SAFETY AND WELFARE OF THE TOWN IS
PROTECTED FROM LARGE-SCALE SOLAR ENERGY SYSTEMS”)

The following resolution was offered by Councilor Martin, who moved its adoption, seconded by Councilor Ranger to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed Local Law No. E-2021, “A Local Law to Amend the Town of Sullivan Zoning Law (Chapter 275 of the Town of Sullivan Town Code) by Amending Article IX (“Solar Energy Systems”) to Add Certain New Definitions, New Provisions Governing Decommissioning of Solar Farms and Protection of Agricultural Resources and Other Provisions to Ensure that the Health, Safety and Welfare of the Town is Protected from Large-Scale Solar Energy Systems”, which would allow the Town to address the potential negative impacts of such large-scale projects by providing for additional protections related to agricultural resources, town roadways, decommissioning and uniform solar guidelines for such uses, was presented and introduced at a regular meeting of the Town Board of the Town of Sullivan held on December 1, 2021; and

WHEREAS, a public hearing was held on such proposed local law on December 15, 2021, by the Town Board of the Town of Sullivan and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Sullivan in its final form in the manner required by Section 20 of the Municipal Home Rule Law of the State of New York; and

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law of New York (SEQRA), requires that as early as possible in the consideration of a proposed action, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, on December 1, 2021 the Town Board declared itself lead agency and determined that the enactment of proposed Local Law No. E-2021 is an unlisted action and will have no significant effect on the environment, issuing a negative declaration, thus concluding environmental review under State Environmental Quality Review Act; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. E-2021.

NOW, THEREFORE, it is

RESOLVED that the Town Board of the Town of Sullivan, Madison County, New York, does hereby enact Proposed Local Law No. E-2021 as Local Law No. 5-2021 as follows:

**“TOWN OF SULLIVAN
LOCAL LAW NO. 5 FOR THE YEAR 2021
A LOCAL LAW TO AMEND THE TOWN OF SULLIVAN ZONING LAW
(CHAPTER 275 OF THE TOWN OF SULLIVAN TOWN CODE) BY AMENDING
ARTICLE IX (“SOLAR ENERGY SYSTEMS”) TO ADD CERTAIN NEW
DEFINITIONS, NEW PROVISIONS GOVERNING DECOMMISSIONING OF SOLAR
FARMS AND PROTECTION OF AGRICULTURAL RESOURCES AND OTHER
PROVISIONS TO ENSURE THAT THE HEALTH, SAFETY AND WELFARE OF
THE TOWN IS PROTECTED FROM LARGE-SCALE SOLAR ENERGY SYSTEMS**

Be it enacted by the Town Board of the Town of Sullivan as follows:

SECTION 1. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 2. PURPOSE AND INTENT.

The Town of Sullivan Town Board has observed the proliferation of large-scale solar facilities throughout Central New York in recent years. This proliferation is anticipated to continue and increase as New York State continues to incentivize such projects. The Town therefore desires to address the potential negative impacts of such large-scale projects by providing for additional protections related to agricultural resources, town roadways, decommissioning and uniform solar guidelines for such uses.

SECTION 3. AMEND ARTICLE IX (“SOLAR ENERGY SYSTEMS”), §275-45 (“DEFINITIONS”) OF THE TOWN OF SULLIVAN ZONING LAW.

Article IX (“Solar Energy Systems”) at §275-45 (“Definitions.”), of the Town of Sullivan Zoning Law is hereby amended to add the following new definitions:

“ATTERBERG LIMITS AND FIELD TESTS - A basic measure of the critical water contents of a fine-grained soil and its shrinkage limit, plastic limit, and liquid limit. Establishes the moisture contents at which fine-grained clay and silt soils transition between solid, semi-solid, plastic, and liquid states.

ENVIRONMENTAL MANAGER (EM) - An individual possessing the skills and knowledge to effectively develop a site for use as a solar PV system and then reclaim the site restoring it, to the greatest extent practical, to its original use.

FARMLAND OF STATEWIDE IMPORTANCE - Land, designated as "Farmland of Statewide Importance" in the U. S. Department of Agriculture Natural Resources Conservation Service' s (NRCS) Soil Survey Geographic (SSURGO) Database on Web Soil Survey, and/or pursuant to the New York State classification system for Madison County, that is of

statewide importance for the production of food, feed, fiber, forage, and oil seed. Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by New York State.

HOST COMMUNITY AGREEMENT - A contract between a developer and a local governing body, whereby the developer agrees to provide the community with certain benefits and mitigate specified impacts of the solar project.

KILOWATT (kW) - A unit of electrical power equal to 1,000 watts, which constitutes the basic unit of electrical demand. A watt is a metric measurement of power (not energy) and is the rate (not the duration) at which electricity is used; 1,000 kW is equal to one megawatt (MW).

MEGAWATT (MW) – A unit of electrical power equal to 1,000 kilowatts, which constitutes a unit of electrical demand.

NATIVE PERENNIAL VEGETATION - Native wildflowers and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation.

POLLINATOR - Bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

PRIME FARMLAND, PRIME SOILS, AND PRIME SOIL LANDS - Soils and land that are best suited for producing food, feed, forage, fiber, and oilseed crops, and must be available for this use. Such soils have the soil quality, growing season, and moisture supply needed to economically produce a sustained high yield of crop when it is treated and managed according to acceptable farming methods. Prime Farmland may now be in crops, pasture, woodland, or other land, but not in urban and built-up land or water areas. (As referenced by the 2019 Madison County Agriculture and Farmland Protection Plan; lands designated as “Prime Farmland” in the U.S. Department of Agriculture Natural Resources Conservation Service’s (NRCS) Soil Survey Geographic (SSURGO) Database on Web Soil Survey; and Class I and Class II soil classifications found in the Madison County Planning Department Soil Classification Map of Madison County (September 2007)).”

SECTION 4. AMEND ARTICLE IX (“SOLAR ENERGY SYSTEMS”), §275-47 (“ROOFTOP-MOUNTED SOLAR ENERGY SYSTEMS”), SUBPARAGRAPH “A(2)” OF THE TOWN OF SULLIVAN ZONING LAW.

Article IX (“Solar Energy Systems”) at §275-47A(2) of the Town of Sullivan Zoning Law is hereby amended to add the following language at the end of said section as follows:

(2) “If practicable, a Rooftop-Mounted Solar Energy system on a pitched roof shall be mounted with a maximum distance of 8 inches or as required by the New York State Uniform Fire Prevention and Building Code, between the roof surface and the highest edge of the system. Rooftop-Mounted Solar Energy Systems shall be mounted parallel to the roof plane on which they are mounted. However, in the case of buildings which have a flat roof, a tilted mount may be permitted subject to site plan review before the Planning Board.”

SECTION 5. AMEND ARTICLE IX (“SOLAR ENERGY SYSTEMS”), §275-48 (“GROUND-MOUNTED SOLAR ENERGY SYSTEMS”), OF THE TOWN OF SULLIVAN ZONING LAW TO ADD A NEW SUBPARAGRAPH B.

Article IX (“Solar Energy Systems”) at §275-48 of the Town of Sullivan Zoning Law is hereby amended to add a new Subparagraph “B” as follows:

“B. Ground-mounted solar energy systems shall be subject to the general requirements set forth in §275-49.”

SECTION 6. AMEND ARTICLE IX (“SOLAR ENERGY SYSTEMS”), §275-49 (“GENERAL REQUIREMENTS APPLICABLE TO BUILDING-INTEGRATED, ROOFTOP-MOUNTED AND GROUND-MOUNTED SOLAR ENERGY SYSTEMS”), OF THE TOWN OF SULLIVAN ZONING LAW TO ADD NEW SUBPARAGRAPHS O AND P.

Article IX (“Solar Energy Systems”) at §275-49 of the Town of Sullivan Zoning Law is hereby amended to add new Subparagraphs “O” and “P” as follows:

“O. Prior to the time of the issuance of a solar/building permit, the applicant/owner shall demonstrate to the Code Enforcement Officer a reliable and safe method for de-energizing the Solar Energy System in the event of an emergency. The method and location to de-energize the Solar Energy System, once approved by the Code Enforcement Officer, shall be provided by the applicant to all applicable emergency services and first responders.

P. All solar energy systems shall be required to use solar panels made and manufactured in the United State of America”

SECTION 7. AMEND ARTICLE IX (“SOLAR ENERGY SYSTEMS”), §275-50 (“SOLAR FARMS”), OF THE TOWN OF SULLIVAN ZONING LAW TO AMEND §275-50C(2).

Article IX (“Solar Energy Systems”) at §275-50C(2) is hereby amended to read in its entirety as follows:

“(2) Minimum lot area: 50 acres.”

SECTION 8. AMEND ARTICLE IX (“SOLAR ENERGY SYSTEMS”), §275-50 (“SOLAR FARMS”), OF THE TOWN OF SULLIVAN ZONING LAW TO ADD NEW PROVISIONS TO THE SPECIAL USE PERMIT REQUIREMENTS UNDER §275-50E(1).

Article IX (“Solar Energy Systems”) at §275-50 of the Town of Sullivan Zoning Law is hereby amended to add new subparagraphs “(g) – (k)” under §275-50E(1) as follows:

“(g) No Solar Farm shall be installed on or within 1,000 feet of wetlands as identified/defined by the New York State Department of Environmental Conservation, the U.S. Army Corps of Engineers or local governing body.

(h) In the granting of a special use permit, the Planning Board will strive to permit the location of solar farms in such a manner so that no one area or neighborhood in the Town shall be over-burdened by the placement of any proposed solar farm(s). Screening, including plantings, berms, and other screening methods may be required to mitigate any impacts. Such plantings and screening shall be continuously maintained and replaced if dead, dying, or falling into disrepair.

- (i) Equipment specification sheets shall be documented and submitted to the Planning Board for all photovoltaic panels, significant components, mounting systems, batteries and inverters that are to be installed.
- (j) Non-invasive, native ground cover, under and between the rows of solar panels shall be low-maintenance, drought-resistant, non-fertilizer-dependent and shall be pollinator-friendly to provide a habitat for bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.
- (k) For community solar projects, the reviewing board has the authority to require that the applicant open subscription services to Town residents before offering subscriptions to others.”

SECTION 9. AMEND ARTICLE IX (“SOLAR ENERGY SYSTEMS”), §275-50 (“SOLAR FARMS”), OF THE TOWN OF SULLIVAN ZONING LAW TO ADD NEW PROVISIONS TO THE SITE PLAN REQUIREMENTS UNDER §275-50F(1).

Article IX (“Solar Energy Systems”) at §275-50 of the Town of Sullivan Zoning Law is hereby amended to add a new subsection “[10]” under §275-50F(1)(c) as follows:

“[10] Submission of a written operation and maintenance plan for the proposed solar farm that include measures for maintaining safe access, operational maintenance of the solar farm, and general property upkeep, such as mowing and trimming and an agricultural soils preservation plan if applicable. The operation and maintenance plan shall be filed and recorded by the applicant in the Madison County Clerk’s Office (indexed to the property) following approval of the site plan by the Planning Board.

- i. For installations on prime farmland, projects shall comply with the New York State Department of Agriculture and Markets Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands. Where an agricultural soils preservation plan has been approved as part of a project, it shall be a condition of any such approval that such agricultural component will be maintained as approved. (See also Schedule A “Solar Farm Guidelines” at the end of this Article).
- ii. Herbicides are prohibited except where the Planning Board finds it impractical to use mechanical means to control vegetation.”

SECTION 10. AMEND ARTICLE IX (“SOLAR ENERGY SYSTEMS”), §275-50 (“SOLAR FARMS”), OF THE TOWN OF SULLIVAN ZONING LAW TO AMEND §275-50F(1)(h).

Article IX (“Solar Energy Systems”) at §275-50F(1)(h) is hereby amended to read in its entirety as follows:

“(h) A plan for clearing and/or grading of the site and a stormwater pollution prevention plan (SWPPP) for the site. The SWPPP shall be filed and recorded in the Madison County Clerk’s Office (indexed against the property) by the applicant following Planning Board approval (prior to commencement of construction) and shall provide for access to the Town of Sullivan in the event of a default of the operator’s obligations under the SWPPP. The SWPPP shall include a security amount approved by the Town’s Consulting Engineer and shall remain in place until decommissioning is complete.”

SECTION 11. AMEND ARTICLE IX (“SOLAR ENERGY SYSTEMS”), §275-50 (“SOLAR FARMS”), OF THE TOWN OF SULLIVAN ZONING LAW TO ADD A NEW SUBSECTION TO §275-50F(1).

Article IX (“Solar Energy Systems”) at §275-50 of the Town of Sullivan Zoning Law is hereby amended to add a new subsection “(t)” under §275-50F(1) as follows:

“(t) Applicant shall submit details of the proposed noise that may be generated by solar inverter fans or other solar farm components. The Planning Board may require a noise analysis to determine potential adverse noise impacts.”

SECTION 12. AMEND ARTICLE IX (“SOLAR ENERGY SYSTEMS”), §275-50 (“SOLAR FARMS”), OF THE TOWN OF SULLIVAN ZONING LAW TO ADD NEW PROVISIONS UNDER §275-50F(2)(a).

Article IX (“Solar Energy Systems”) at §275-50 of the Town of Sullivan Zoning Law is hereby amended to add new subsections “[5] – [6]” under §275-50F(2)(a) as follows:

“[5] That the removal of existing trees larger than 6 inches in diameter has been minimized to the extent possible.

[6] That it has been demonstrated that the establishment of the proposed solar facility will not have negative impacts to surrounding property values as established by competent evidence.”

SECTION 13. AMEND ARTICLE IX (“SOLAR ENERGY SYSTEMS”), §275-50 (“SOLAR FARMS”), OF THE TOWN OF SULLIVAN ZONING LAW TO AMEND §275-50L.

Article IX (“Solar Energy Systems”) at §275-50L is hereby amended to read in its entirety as follows:

“L. Insurance. The applicant, owner, lessee or assignee shall at all times during construction and operation maintain a current insurance policy which will cover installation and operation of the solar farm and shall be increased annually per industry standards. Said policy shall provide a minimum of \$5,000,000 property and personal liability coverage. Proof of such policy shall be provided to the Town on an annual basis. Notwithstanding any terms, conditions, or provisions in any other writing between the parties, the applicant shall agree to effectuate the naming of the Town as an additional insured on the applicant’s insurance policies, with the exception of workers’ compensation and NYS disability insurance. The policy naming the Town as an additional insured shall:

- (1) Be an insurance policy from an A.M. Best rated "secured" or better insurer, authorized to conduct business in New York State. A New York State licensed insurer is preferred.
- (2) State that the applicant’s insurance coverage shall be primary and noncontributory coverage for the Town, its Board, employees, agents, and volunteers.
- (3) Additional insured status shall be provided by standard or other endorsements that extend coverage to the Town for both on-going and completed operations. A completed copy of the endorsements shall be attached to the certificate of insurance.
- (4) The applicant shall provide a copy of the declaration page of the liability policies with a list of endorsements and forms. If so

requested, the applicant will provide a copy of the policy endorsements and forms.

(5) The certificate of insurance shall contain a provision that coverage afforded under the applicable policy shall not be cancelled or terminated until at least 30 days' prior notice has been provided to the Town. In the event of a termination, cancellation, or lapse of the required insurance coverage, the special use permit to operate the solar energy system shall be immediately suspended and operation of the system shall cease. Upon restoration of the required insurance coverage, to the satisfaction of the Town, permission to operate the solar farm may be restored."

SECTION 14. AMEND ARTICLE IX ("SOLAR ENERGY SYSTEMS"), §275-50 ("SOLAR FARMS"), OF THE TOWN OF SULLIVAN ZONING LAW TO AMEND §275-500.

Article IX ("Solar Energy Systems") at §275-500 is hereby amended to read in its entirety as follows:

"O. Decommissioning and removal of solar farm facilities. The following shall be the minimum requirements to be addressed for the decommissioning of every solar farm:

(1) The submission of an acceptable Decommissioning Plan and Decommissioning Cash Security subject to review by the Town's consulting Attorneys and Engineers and approved by the Town of Sullivan. For purposes of the Decommissioning Plan and Decommissioning Security, the following shall constitute "Decommissioning Events" triggering the decommissioning of the site and/or a call on the Decommissioning Security: (a) if construction and installation of the project improvements are not completed within 18 months of commencement of construction (such time period may be reasonably extended upon notification to the Town and with good cause shown for any delays in completion); (b) if the solar energy facility ceases to be used for its intended purpose for twelve (12) consecutive months (such time period may be reasonably extended upon notification to the Town with good cause shown); (c) at the time of decommissioning, complete removal of the project within ninety (90) days thereafter, except for any portions of the project access roads otherwise requested by the owner to remain to facilitate agricultural access to the property or conduit buried more than 4' below ground; (d) upon the end of the project's operation; (e) if the Applicant, or its successors or assigns, seeks dissolution or files for bankruptcy or (f) failure to have in place or timely replace adequate decommissioning securities. All decommissioning activities shall be completed to the reasonable satisfaction of the Town, and consistent with the Decommissioning Plan. Such agreement shall also include a commitment by the applicant to impose a similar obligation to remove any unused and/or obsolete solar panels upon any person subsequently securing rights to relocate the solar panels. The applicant shall include the following binding terms in the decommission plan, at a minimum, the following:

(a) Complete removal of above-ground and below-ground equipment, fencing, structures, and foundations.

(b) Restoration of the surface grade and soil after removal of equipment to the condition (or better), which it existed prior to the installation. This includes adding an adequate layer of

topsoil where existing topsoil has been removed or eroded, and reseeding and/or reforestation of areas that were cleared of mature trees (with established growth demonstrated).

(c) Herbaceous revegetation of restored soil areas with native seed mixes, excluding any invasive species.

(d) Specifically address: the useful lifespan of proposed solar facility and any storage batteries; the current New York State and Federal rules and regulations regarding placement thereof and disposal thereof at the end of their useful lifespan; together with plans for replacement of solar storage batteries. The financial surety required by the Town shall take into account maintenance, replacement, and disposal of solar storage batteries if included in the application for a solar farm.

(e) Such Decommissioning Plan shall be executed by the applicant and the property owner and shall be recorded against the property in the Madison County Clerk's Office.

(2) Cash Security. The applicant shall be required to deposit with the Town of Sullivan cash security in an amount sufficient for the faithful performance of the terms and conditions of the permit issued under this Article, and to provide for expenses associated with the decommissioning removal and restoration of the site subsequent to the removal of the solar farm. The amount of the cash security shall be no less than 150% of the cost of the removal of the solar panels and restoration of the site, and shall further be reviewed and adjusted at five-year increments. Such amounts shall account for inflation and prevailing wage costs for decommissioning. In the event of a default upon performance of such conditions or any of them, the cash security shall be forfeited to the Town, upon demand. The cash security shall remain in full force and effect until the complete removal of the solar panels and site restoration is finished."

SECTION 15. AMEND ARTICLE IX ("SOLAR ENERGY SYSTEMS"), §275-50 ("SOLAR FARMS"), OF THE TOWN OF SULLIVAN ZONING LAW TO AMEND §275-50R.

Article IX ("Solar Energy Systems") at §275-50R is hereby amended to read in its entirety as follows:

"R. Road remediation. The applicant shall be responsible for remediation of any roads damaged, during the construction of and/or completion of the installation (or removal) of any solar farms approved pursuant to this Article. The Highway Superintendent is hereby authorized and directed to ensure a public improvement (road repairs) cash security be posted prior to the issuance of any building permit in an amount sufficient to compensate the Town for any damage to local roads that is not corrected by the applicant. The Highway Superintendent is authorized to consult with any necessary professional to determine or confirm the cash security amount all at the sole cost and expense of the applicant. Such cash security shall be in addition to other securities required in this Article/Chapter"

SECTION 16. AMEND ARTICLE IX ("SOLAR ENERGY SYSTEMS"), §275-50 ("SOLAR FARMS"), OF THE TOWN OF SULLIVAN ZONING LAW TO ADD NEW SUBPARAGRAPHS "S" – "V".

Article IX ("Solar Energy Systems") at §275-50 of the Town of Sullivan Zoning Law is hereby amended to add new subparagraphs "S" – "W" as follows:

“S. Agricultural resources. For projects located on agricultural lands:

(1) The Planning Board shall in all instances give special consideration to areas that consist of Prime Farmland, Prime Soils, Prime Soil Lands, and/or Farmland of Statewide Importance and the removal of such lands when reviewing applications and granting special use permits and site plan approvals to solar farm applicants under this law.

(2) To the maximum extent practicable, solar farms approved to be located on Prime Farmland, Prime Soils, Prime Soil Lands, and/or Farmland of Statewide Importance shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.

(3) Solar farm applicants shall develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the applicants shall use native plant species and seed mixes.

(4) Where a solar farm is to be located on Prime Farmland, Prime Soils, Prime Soil Lands, and/or Farmland of Statewide Importance, the applicant shall hire an environmental monitor (EM) to oversee the construction, restoration, and subsequent monitoring of the agricultural lands. The EM is to be on site whenever construction is occurring on the agricultural land(s) and any construction shall be coordinated with the Town’s Code Enforcement Officer and the New York State Department of Agriculture and Markets to develop an appropriate schedule for inspections to assure these lands are being preserved and protected to the greatest extent possible.

(5) Fencing and watering systems associated with rotational grazing systems and reduction in farmland viability due to the reduction in remaining productive farmland shall be assessed and mitigated to the greatest extent possible.

(6) Structures for overhead collection lines, interconnect cables and transmission lines installed aboveground (when unavoidable) shall be located outside agricultural field boundaries. When above-ground cables and transmission lines must cross agricultural fields, applicant shall use taller structures that provide longer spanning distances and locate poles on field edges to the greatest extent practicable.

(a) All buried electric cables in cropland, hay land and improved pastures shall have a minimum depth of 48 inches of cover. At no time is the depth of cover to be less than 24 inches below the soil surface.

(b) The Madison County Planning Department is to be consulted concerning the type of intercept drain lines whenever buried electric cables alter the natural stratification of soil horizons and natural soil drainage patterns.

(7) Access roads are to be located along the edge of agricultural fields, in areas next to hedgerows and field boundaries, and in the nonagricultural portions of the site.

(8) There shall be no cut and fill so as to reduce the risk of creating drainage problems by locating access roads, which cross agricultural fields,

along ridge tops and by following field contours to the greatest extent possible.

(9) The width of access roads across or along agricultural fields is to be no wider than 20 feet so as to minimize the loss of agricultural lands and comply with the New York State Fire Code.

(10) The surface of solar farm access roads to be constructed through agricultural fields should be level with the adjacent field surface where possible.

(11) All existing drainage and erosion control structures such as diversions, ditches, and tile lines shall be preserved, and applicants shall take appropriate measures to maintain the design and effectiveness of these structures. Applicants shall repair any structure disturbed during construction to as close to original condition as possible unless such structures are to be eliminated based upon an approved site plan for the solar farm.

(12) Culverts and water bars are to be installed to maintain natural drainage patterns.

(13) All topsoil areas to be used for vehicle and equipment traffic, parking, equipment laydown, and as storage areas are to be stripped.

(14) All topsoil stripped from work areas (parking areas, electric cable trenches, along access roads) is to be stockpiled separate from other excavated materials (rock and/or subsoil).

(15) Where an open trench is required for cable installation, topsoil stripping from the entire work area may be necessary. As a result, additional workspace may be required as part of site plan approval.

(16) A maximum of 50 feet of temporary workspace is to be provided along open-cut electric cable trenches for proper topsoil segregation. All topsoil will be stockpiled immediately adjacent to the area where stripped/removed and shall be used for restoration on that particular site. No topsoil shall be removed from the site. The site plan shall clearly designate topsoil stockpile areas in the field and on the construction drawings.

(17) All vehicle and equipment traffic and parking to the access road and/or designated work areas, such as laydown areas, are to be limited in size to the greatest extent practical.

(18) No vehicles or equipment are to be allowed outside the work area without prior approval from the EM.

(19) In pasture areas, it is necessary to construct temporary or permanent fences around work areas to prevent livestock access, consistent with any applicable landowner agreements.

(20) Excess concrete used in the construction of the site is not to be buried or left on the surface in active agricultural areas. Concrete trucks will be washed outside of active agricultural areas.

(21) Restoration requirements. Applicants shall restore all agricultural lands temporarily disturbed by construction as follows:

(a) Be decompacted to a depth of 18 inches with a deep ripper or heavy-duty chisel plow. Soil compaction results should be no more than 250 pounds per square inch (PSI) as measured with a soil penetrometer. In areas where the topsoil was stripped, soil decompaction should be conducted prior to topsoil replacement. Following decompaction, removal of all rocks four inches in size or greater from the surface of the subsoil shall occur prior to replacement of topsoil. Topsoil shall be replaced to original depth and original contours reestablished where possible. All rocks shall be removed that are four inches and larger from the surface of the topsoil. Subsoil decompaction and topsoil replacement shall be avoided after October 1 of each year.

(b) Regrade all access roads to allow for farm equipment crossing and to restore original surface drainage patterns, or other drainage pattern incorporated into the approved site design by the Planning Board/Board of Appeals, as applicable.

(c) Seed all restored agricultural areas with the seed mix specified by the EM and this Article, in order to maintain consistency with the surrounding areas.

(d) All damaged subsurface or surface drainage structures are to be repaired to preconstruction conditions, unless said structures are to be removed as part of the site plan approval. All surface or subsurface drainage problems resulting from construction of the solar energy project shall be remedied with the appropriate mitigation measures as determined by the EM.

(e) Postpone any restoration practices until favorable (workable, relatively dry) topsoil/subsoil conditions exist. Restoration is not to be conducted while soils are in a wet or plastic state of consistency. Stockpiled topsoil should not be regraded, and subsoil should not be decompacted until plasticity, as determined by the Atterberg Limits and Field Test, is adequately reduced. No project restoration activities are to occur in agricultural fields between the months of October and May unless favorable soil moisture conditions exist.

(f) Following site restoration, remove all construction debris from the site.

(g) Following site restoration, the project sponsor is to provide a monitoring and remediation period of no less than two years. General conditions to be monitored include topsoil thickness, relative content of rock and large stones, trench settling, crop production, drainage and repair of severed subsurface drain lines, fences, etc.

(h) Mitigate any topsoil deficiency and trench settling with imported topsoil that is consistent with the quality of topsoil on the affected site. All excess rocks and large stones are to be removed from the site.

(i) All concrete piers, footers, or other supports are to be removed to a depth of 48 inches below the soil surface.”

T. Payment in Lieu of Tax (“PILOT”) Agreement and Host Community Benefit Program.

(1) In every instance of a solar farm application, the Town of Sullivan hereby requires the applicant to enter into a Payment in Lieu of Tax

("PILOT") Agreement. Notwithstanding this PILOT requirement, in every instance of a solar farm application, the applicant shall be required to observe the requirements of Real Property Tax Law Section 487 relative to notification of a proposed solar facility. Such notification shall be sent to the Town of Sullivan Supervisor, with a copy to the Town Clerk, by Registered and U.S. First Class Mail and shall specifically state in bold lettering on the envelope and on the first page of the notice that the notice is being provided pursuant to NYS Real Property Tax Law Section 487(2). Upon receipt of said notice, the Town of Sullivan will advise the applicant of the Town's desire for a Payment in Lieu of Tax ("PILOT") Agreement. Said notice will direct the applicant to contact the Town's legal counsel to negotiate the terms of said Agreement.

(2) In addition to a PILOT Agreement, the applicant shall propose to the town, on projects involving 1 megawatts and above, a Host Community Benefit package for consideration by the Town Board as part of the approval process. Once the application package materials are deemed complete and while the Planning Board/Board of Appeals are completing their reviews, the project/application shall be referred to the Town Board to decide on the completion of a Host Community Agreement. This Agreement shall be in addition to a PILOT Agreement.

U. Reference to Article 94-c. Any proposed solar energy system subject to review by the New York State Board on Electric Generation Siting and the Environment pursuant to Article 10 of the New York State Public Service Law, or the Office of Renewable Energy Siting pursuant to Article 94-c of the New York State Executive Law, shall be subject to all substantive provisions of this Article and any other applicable provisions of the Town of Sullivan Town Code.

V. Adhere to "Solar Farm Guidelines." In addition to the above regulations, all solar farm applicant shall demonstrate to the Planning Board compliance with the attached "Solar Farm Guidelines."

W. Made in America Requirements. All Solar Farms shall be required to utilize solar panels, components and materials made and manufactured in the United States of America."

SECTION 17. AMEND ARTICLE IX ("SOLAR ENERGY SYSTEMS"), §275-50 ("SOLAR FARMS"), OF THE TOWN OF SULLIVAN ZONING LAW TO ADD A NEW SCHEDULE "A" (SOLAR FARM GUIDELINES).

Article IX ("Solar Energy Systems") at §275-50 of the Town of Sullivan Zoning Law is hereby amended to add a new Schedule "A" (Solar Farm Guidelines) as follows:

**"SCHEDULE "A"
SOLAR FARM GUIDELINES**

Solar farms are long term temporary, non-agricultural land developments in a community. They generally occur on leased farmlands that are proposed to be returned to the original condition at the end of the lease. Solar farms often propose to use active or fallow agricultural lands as their construction sites. The following presents guidelines as to what lands are considered best suited for solar farm use in the Town of Sullivan and are deemed consistent with the Town's long-term goals to balance renewable energy benefits and the potential impacts with agricultural resources.

Prime Farmlands

Where possible solar farms should be located using a site design that limits the potential for negative impacts to the long-term use of productive farmland. "NYS Department of Agriculture and Markets (NYSDAM) recommends that project sponsors avoid installing

solar arrays on the most valuable or productive farmland. The following is the order of importance recommended by NYSDAM for solar array avoidance:

Active rotational farmland (most important)
Permanent hay land
Improved pasture
Unimproved pasture
Other support lands
Fallow/inactive farmland (least important)”
Active rotational farmlands are generally considered to be prime farmland

“Prime farmland, as defined by the U.S. Department of Agriculture, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas. The soil quality, growing season, and moisture supply are those needed for the soil to economically produce sustained high yields of crops when proper management, including water management, and acceptable farming methods are applied. In general, prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, an acceptable salt and sodium content, and few or no rocks. The water supply is dependable and of adequate quality. Prime farmland is permeable to water and air. It is not excessively erodible or saturated with water for long periods, and it either is not frequently flooded during the growing season or is protected from flooding. Slope ranges mainly from 0 to 6 percent. More detailed information about the criteria for prime farmland is available at the local office of the Natural Resources Conservation Service.” (NRCS)

Based upon this definition the Town of Sullivan considers soils designated by the NRCS as well drained soils with 0 to 8 percent slopes to be prime community farmland and that solar farm development on lands with these soils should be avoided.

Submittals

Prior to submitting engineering drawings for a solar farm development the applicant for a solar farm shall submit three drawings/maps that will give provide information for the Town of Sullivan Planning Board to better understand the features of the site when engineered drawings are submitted.

Site Specific Soil Survey: This document shall field identify the borders of existing site soils in accordance with NRCS standards and shall be performed by an accredited Soil Scientist whose name shall be noted on the drawing. Existing published soil maps and data shall only be used as guideline information by the Soil Scientist. In addition to field identifying site soils the Soil Scientist shall document the depth of the plow layer on the site.

Topographic Map: This document shall be a map of the property (solar farm area) showing topographic features and shall be drawn displaying existing contours at two-foot intervals.

Visibility Map: This document shall be a map depicting existing natural (vegetation, topography) and manmade landscape features along roadways bordering the solar farm and within a 1/2-mile radius of the site that provide potential visual screening for the proposed solar farm location. The map may use published data as its base. This document should include a graphic representation of the potential natural screening of a proposed solar farm site with a rating of high, medium, or low. The regulations include an option for the Planning Board to request of a “digital-elevation-model-based project visibility map showing the impact of topography upon visibility of the project from other locations, to a distance radius of three miles from the center of the project.” However, this

map may be more appropriate to use in areas of documented vistas and viewsheds established by the Planning Board/Board of Appeals.

Solar Farm Features

When engineering drawings are submitted for review, the following important features of the solar farm should be considered:

Avoiding the use of concrete footings and driving the support posts into the ground to reduce or minimize disturbance of the existing farmland soil profile.

Designing the structural system that the panels will sit upon so that a single post to can be used to support the individual solar panels.

Spacing of solar panels and panel rows with sufficient distances between them that will allow adequate sunlight penetration for viable plant growth on the farmland surfaces under the panels.

Enabling the potential for dual use of the solar farmland by setting panels approximately 2 meters above grade so that grazing (cattle, cows, sheep) and planting of some farm crops may occur.

Stringing electrical connections/wires on the panel structures or burying wires in shallow laid conduits setting them in the plow layer so the original soil profile is not disrupted.

Designing the site plan and its management of stormwater runoff to work with existing topography to minimize site grading and disruption of existing farm soils.

Restoration of the solar ground surfaces after construction. If not proposed for dual use the site should use pollinator plant species (grasses, wildflowers) to create habitat features for small animals, birds, butterflies, and insects. Mowing of these areas should be limited to no more than twice a year, once before May first and once near the end of October.

If the solar farm surfaces are restored to habitat landscape small openings in the bottom of the fence should be made to allow movement of small animals in and out of the farm.

Visual Mitigation

The solar farm applicants should provide a system for screening views of the solar farm from surrounding areas. This commonly entails a monoculture planting of smaller growth evergreen trees set in a line along the borders of the solar farm, but in a naturalistic way. Plant species often include arborvitae or red cedar. In suburban and rural areas the arborvitae is deer food and the red cedar is a host for cedar apple rust (apple grower's problem). The monoculture evergreen planting when installed with 6-foot-high plants will take a significant portion of the lease to provide a meaningful screen for the solar farm. Other visual mitigation solutions may exist.

On a relatively landscape area with a bordering local road a solar farm may be screened with a constructed low (6 foot +/-) mowable earthen berm following the roadway alignment that is planted to pollinator species of grasses and wildflowers.

Rather than installing a monoculture line of plants a solar farm plan may propose a hedgerow character planting using a mix of evergreen (60%) and deciduous (40%) species. The plantings should be clustered and staggered in much the same manner of natural hedgerow growth. Plants should be installed on a low mound thereby giving better height at time of planting and maintaining the original farm soil profile.

Planting of larger growth evergreen trees (white pine, white spruce) at locations in or bordering the solar farm that would be out of the sun angle and thereby not impact the

electrical system. The mature growth would help to mitigate the overall visual impact of the solar farm.

Woodland Solar Farm Sites

Woodland sites that may be proposed for solar farm use generally do not have prime agricultural soils. Use of a wooded area for a solar farm would require land clearing, stumping the land surface, and modifying of the soil profile.

Should a wooded site be proposed for solar farm use it should not be dominated by the growth of native plant species. These would include sugar maple, red maple, black birch, beech, hickory, red oak, white oak, shadblow, and white pine.

A solar farm site proposed in a woodland dominated by the alien buckthorn and Norway maple or an old declining plantation of spruce or pine could be an ideal woodland location for a solar farm.”

SECTION 18. SEVERABILITY.

If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 19. EFFECTIVE DATE.

This Local Law shall be effective upon filing with the office of the Secretary of State.”

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

John E. Brzuszkiewicz	Councilor	Voted	Yes
Thomas J. Kopp Jr.	Councilor	Voted	Yes
Kerry Ranger	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
John M. Becker	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

Supervisor Becker commented that he understood that there was a solar project planned in Cazenovia area which is a 25-acre project. The applicants are requesting a variance from the 1,000-foot setback requirement from any creek or body of water. There is concern that our area could be impacted. Attorney for the Town Langey commented that the Town has the right to comment and to keep him advised if additional information is forthcoming and a response can be put together from the Town of Sullivan.

SATISFACTION OF CONSENSUAL LIEN FOR RICHARD QUELL

Attorney Langey reported to the Board the request for Satisfaction of Consensual Lien (more commonly known as Instrument No. 1664, filed with the Madison County Clerk on July 30, 2014) for Richard Quell for property located at 8911 Kirkville Road, Kirkville (Tax Map No. 8.6-1-32). The necessary satisfaction documents have been prepared and on

motion of Councilor Martin, seconded by Councilor Brzuszkiewicz, the Board unanimously approved the execution of the satisfaction document by Supervisor Becker.

**SATISFACTION OF CONSENSUAL LIEN
FOR DENNIS AND CARRIE SHEEDY**

Attorney for the Town Langey reported to the Board the request for Satisfaction of Consensual Lien (more commonly known as Instrument No. 1760, filed with the Madison County Clerk on October 1, 2014) for Dennis and Carrie A. Sheedy for property located at 745 Nichols Point Road, Bridgeport (Tax Map No. 3.51-1-30). The necessary satisfaction documents have been prepared and on motion of Councilor Martin, seconded by Councilor Brzuszkiewicz, the Board unanimously approved the execution of the satisfaction document by Supervisor Becker.

**FINAL RESOLUTION AND ORDER FOR
HAMILTON BROWN BUSHNELL SHORE ROAD PROJECT**

Attorney for the Town Langey advised that all the easements for the Hamilton Brown/Bushnell Shore Road Project have been submitted. All the waiting periods have passed. The contractor has ordered piping for the project and the anticipated start of construction is June 1, 2022.

**FINAL ORDER AND RESOLUTION
OF THE TOWN OF SULLIVAN TOWN BOARD IN THE MATTER OF
“THE TOWN OF SULLIVAN - HAMILTON BROWN/BUSHNELL SHORE
WATER IMPROVEMENT PROJECT” PURSUANT TO
ARTICLE 12-C OF THE NEW YORK STATE TOWN LAW**

Councilor Martin moved and Councilor Brzuszkiewicz seconded the following resolution:

WHEREAS, a Map, Plan and Report has been duly prepared in such manner and in such detail as heretofore has been determined by request of the Town Board of the Town of Sullivan, New York (the “Town”), relating to the creation and construction, pursuant to Town Law Article 12-C (§209-q), of water system improvements to be known and identified as the “Town of Sullivan - Hamilton Brown/Bushnell Shore Water Improvement Project” (the “Water Improvements”); and

WHEREAS, such Water Improvements include those described in the Town Engineer’s Map, Plan and Report and consist generally of approximately 6,900 feet of 8” water main with 6 hydrants on Hamilton Brown Road and approximately 1,200 feet with 3 hydrants on Bushnell Shore Road, all being areas currently with no access to public water and consisting of approximately 28± properties; and

WHEREAS, such Water Improvements are to be constructed and owned by the Town; and

WHEREAS, said Map, Plan and Report has been filed in the office of the Town Clerk where it is available for public inspection, and

WHEREAS, the proposed Water Improvements consist of the improvements more particularly set forth in the Map, Plan and Report and as described by Deed of Conveyance and in the areas of the Town as set forth above (using tax map numbers of the benefitted parcels), presently on file in the Office of the Town Clerk and are located as specifically described in the attached Schedule “A”; and

WHEREAS, a Resolution and Order of the Town of Sullivan Town Board to approve the construction of the Hamilton Brown/Bushnell Shore Water Improvement Project pursuant to Article 12-C of the Town Law was duly adopted on March 18, 2020 which previously authorized the construction of the Water Improvements at a maximum amount proposed to be expended of Eight Hundred Thousand and 00/100 Dollars (\$800,000.00); and

WHEREAS, the Town Board previously made application to the New York State Department of Audit and Control (NYS Comptroller) for permission to form the Water District in compliance with the statutes in such cases and pursuant to 2 NYCRR Part 85; and

WHEREAS, upon review, the NYS Comptroller approved the construction of the Water Improvements at an estimated maximum cost of Eight Hundred Thousand and 00/100 Dollars (\$800,000.00); and

WHEREAS, pursuant to Article 12-C the Town Board is authorized to increase the maximum amount proposed to be expended for said Water Improvements subject to certain procedures outlined therein, including holding a public hearing relative to the increase in the maximum amount proposed to be expended; and

WHEREAS, the Town Board of the Town of Sullivan duly adopted a Public Interest Order and Resolution, subject to permissive referendum, authorizing an increase the maximum amount to be expended for the Water Improvements from the previous amount of Eight Hundred Thousand and 00/100 Dollars (\$800,000.00) to the new amount of Nine Hundred Sixty Thousand and 00/100 Dollars (\$960,000.00); and

WHEREAS, a Notice of Adoption of said Resolution and Order was duly published on November 9, 2021 and posted on November 5, 2021; and

WHEREAS, the thirty (30) day period of time elapsed for the submission and filing of a petition seeking to hold a referendum on the question of the increase in the maximum amount for the Water Improvements; and

WHEREAS, no such petition for a referendum as submitted and filed with the Town Clerk of the Town of Sullivan; and

WHEREAS, the Town Clerk has executed an Affidavit of No Referendum as no petitions were filed; and

WHEREAS, the Town Board desires to adopt a Final Order and Resolution authorizing the construction of the Water Improvements in accordance with Article 12-C of the Town Law at a proposed maximum amount of Nine Hundred Sixty Thousand and 00/100 Dollars (\$960,000.00); and

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that pursuant to Article 12-C of the Town Law, the Town Board of the Town of Sullivan hereby reaffirms its prior Resolutions and Orders authorizing the construction of the Water Improvements, including as follows:

- A. it is in the public interest to construct the Water Improvements with an increase in the maximum amount proposed to be expended for the Water Improvements from the previous amount of Eight Hundred Thousand and 00/100 Dollars (\$800,000.00) to the new amount of Nine Hundred Sixty Thousand and 00/100 Dollars (\$960,000.00) and the plan of financing includes the issuance of bonds of the Town to finance said cost and the assessment, levy and collection of special assessments (pursuant to Town Law §209-q(8)) shall be borne entirely by the properties located within the described benefitted areas including the several lots and parcels of land within said benefitted areas as associated with the Water Improvements,

which the Town Board shall determine and specify to be especially benefitted thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, all as shown on the attached financing plan (Schedule "B") as set forth in said Map, Plan and Report and further that the Town of Sullivan Town Board has determined to seek and obtain public sources of funding and financing through the United States Department of Agriculture - Rural Development ("USDA-RD") and/or the New York State Environmental Facilities Corporation ("NYSEFC"), if applicable, as well as other sources, for the construction and administrative costs associated with the creation of the Water Improvements and that any final order of the Town Board for construction of the Water Improvements will be conditioned upon obtaining an actual cost to the "typical property" (as defined in the Town Law) of Nine Hundred Thirty-Five and 00/100 Dollars (\$935.00) per unit (or less) and that if such additional grant monies and funding are not obtained and the cost of typical property is not at or below Nine Hundred Thirty-Five and 00/100 Dollars (\$935.00) per unit, then the Town Board shall not authorize the construction of said Water Improvements;

- B. it is in the public interest to make such Water Improvements as specifically referred to above and as described in the Map, Plan and Report, as amended, prepared by Dunn & Sgromo Engineers, PLLC;
- C. all the property owners within the Water Improvement area are benefitted hereby;
- D. all the property and property owners benefitted are included within the Water Improvement area;
- E. the Notice of Public Hearing was posted and published as required by law and other procedures were lawfully followed; and it is further

RESOLVED, DETERMINED AND ORDERED that the Clerk of the Town of Sullivan be and hereby is authorized and directed, on behalf of said Town, to file and record certified copies of this resolution and such other documents or instruments as may be required by law; and it is further

RESOLVED, DETERMINED AND ORDERED that this Resolution and Order shall take effect immediately as authorized by law.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

John E. Brzuszkiewicz	Councilor	Voted	Yes
Thomas J. Kopp Jr.	Councilor	Voted	Yes
Kerry Ranger	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
John M. Becker	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

BUDGET MODIFICATION

Transferring from SM1990.4 Contingent to SM3410.4006 in the amount of \$462.38. This is to cover the cost for North Chittenango Fire Departments' Time Warner Cable invoice \$247.72 and a fuel invoice in the amount \$214.66.

Upon the motion made by Councilor Martin, seconded by Councilor Brzuszkiewicz, the Town Board approves the budget modification as outlined above. The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

John E. Brzuszkiewicz	Councilor	Voted	Yes
Thomas J. Kopp Jr.	Councilor	Voted	Yes
Kerry Ranger	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
John M. Becker	Supervisor	Voted	Yes

FIREFIGHTER APPLICATIONS

Supervisor Becker reported that an application for a firefighter was received from the Bridgeport Volunteer Fire Co., Inc. for Ryan Nurk. The letter request was to move Ryan Nurk from Restricted Firefighter (approved by the Town Board January 27, 2021) to Firefighter as he has recently turned 18 years of age. Upon the motion made by Councilor Kopp, seconded by Councilor Ranger, the Town Board approves the change in status of Ryan Nurk from Restricted Firefighter to Firefighter for the Bridgeport Volunteer Fire Co., Inc. with no further discussion the Town Board unanimously approved the change of status for Ryan Nurk.

INTRODUCTION OF NEW TOWN COUNCILORS

Supervisor Becker welcomed the newly elected Town Councilors David Montroy and Daniel Gibbons.

HONORING COUNCILORS THOMAS KOPP AND KERRY RANGER

Supervisor Becker, on behalf of the Town Board presented a plaque to Councilor Kerry Ranger honoring the time Councilor Ranger has served the Town of Sullivan. The Town Board members thanked Councilor Ranger for his service to the community and for his contributions during his tenure.

Supervisor Becker, on behalf of the Town Board presented a plaque to Councilor Thomas Kopp honoring him for 23 years of service on the Town Board. The Town Board thanked Councilor Kopp for his service.

Councilor Kopp commented that he was proud to serve with so many dedicated people, including John Gladney, Bill Cole, Dave Miner, Beth Ellis, Sonny Centner, Don Colella and John Langey to name a few. He is proud of the great Fire Departments that he has worked with and for the Highway Department and the fact that all the equipment is paid for! Councilor Kopp expressed his thanks to all the wonderful volunteers that he has worked alongside and said that he has enjoyed working for all. He will continue to serve as Town Republican Chair and is always open for suggestions. It has been a great experience.

Councilor Ranger thanked the residents and for the wonderful learning experience it has been over the last eight years. He commented he got involved with serving for the right reason and has worked under a great supervisor. Councilor Ranger further commented that our community is lucky to have what we have in this great Town. He thanked everyone for the recognition.

FUEL AND PROPANE BID AWARD

Highway Superintendent Busa reported he had reviewed the bids for fuel and propane received this evening. He asked the Town Board members whether they would use the fluctuating rates or fixed rates that were bid. He felt fairly confident that fuel and propane costs would probably not be going down in the next year. The Town Board members discussed the bids received and suggested that using the fixed rate for 2022 might be the most prudent. Highway Superintendent Busa agreed that the fixed rate seemed logical to use based on the current pricing. Upon the motion made by Councilor Ranger, seconded by Councilor Martin and with no further discussion, the Town Board unanimously approves Buell Fuel for diesel, gasoline and propane, using the fixed rates for diesel, ULSD winter mix and propane and base/fluctuating rate for gasoline that were bid as shown below:

Buell Fuels

	<u>Fixed Net</u>	<u>Base</u>	<u>Fluctuating</u>
Diesel	2.3900/gal		
ULSD Winter 60/40 with additive	2.4939/gal		
Gasoline	N/A	2.2926/gal	2.4476/gal
Propane	1.5385/gal		

GARY STERNBERG – 9021 NORTH ROAD

Gary Sternberg a resident of North Road expressed his concern with the heavy traffic on North Road. Over the last year seven new homes have been built which has or will increase the volume of the traffic using the road. He appreciates the work the Town has done on road improvements and installation of sidewalks; however his concern is the speed of the traffic using the road and the fact that there is no law enforcement for the speed on the road. He is personally afraid to use the sidewalk because of the speed of the traffic, especially during the summer months with a greater number of vehicles traveling on North Road. He expressed his concern about the school area as well, traffic doesn't slow down. Supervisor Becker commented that he will get in touch with the Sheriff's Office about the concern and about increasing patrol in the area. Mr. Sternberg commented that the speed at Chittenango High School on Route 5 had been reduced and inquired if something similar could be done on North Road. Highway Superintendent Busa commented that there have been speed studies done a few times on this road and a great deal of the review is based on "how does the road feel". If a road is wide open, flat drivers tend to drive faster than if a road is tree lined and feels narrower; vehicles tend to go slower. The Town Board thanked Mr. Sternberg for bringing his concerns before the Board. The Sheriff's Office will be contacted and the Supervisor Becker commented he will speak with County Supervisors as well.

Mr. Sternberg thanked both Councilor Ranger and Kopp for their service to the Town and for all the support given for the Bridgeport area over the past several years. He commented he didn't want the Board to take his comment the wrong way, but commented it is time for a change and to think about instituting term limits. He asked what has to be done to establish term limits. He commented that new ideas and new blood is needed. The Town Board members discussed the question with Mr. Sternberg stating there are pros and cons to the idea. There aren't a lot of people who are willing to step in and serve. Individuals have to serve for the right reason. Mr. Sternberg thanked the Board for their input on his question.

ORDERING NEW HIGHWAY TRUCKS IN 2023

Highway Superintendent Busa reported that he'd received information from Beam Mack Company about placing orders for new highway trucks for 2023. There are currently five spots available with Beam Mack for new trucks for 2023 vehicles and they are asking for a letter of intent from the Town if the Town is looking to order a 2023 vehicle. Highway Superintendent Busa stated that 2023 replacement is on his schedule for vehicle

replacement and this would replace a 2013 truck currently in the Highway fleet. The Board discussed the legal ramification using a letter of intent. Attorney for the Town Langey reviewed the requested letter of intent from Beam Mack and created language to safeguard the Town. The price for the vehicle would be \$164,000 without the plow package. For the plow package and other add-ons there would be approximately \$120,000 added. This price will be locked in with the non-binding letter of intent. The Board discussed the information. Upon the motion made by Councilor Martin, seconded by Councilor Ranger the Town Board authorizes a Letter of Intent to be sent to Beam Mack for the order of a 2023 Highway Truck with no further discussion the Town Board unanimously approved this motion.

COMPREHENSIVE PLAN UPDATE

Councilor Ranger commented that the one thing he didn't finish during his term as Councilor was updating the current Town Comprehensive Plan which was done in 2006. He would like to see the Plan updated, perhaps begin in January. He has a great deal of information and photos that he has accumulated that could be used for the updating process. He hoped that the Town would be intentional in starting the review project for updating the Town's Comprehensive Plan. If anyone assigned to work on this update, he is willing to provide help and information that he has accumulated.

HAMILTON BROWN/BUSHNELL SHORE ROAD PROJECT FINANCE UPDATE

Comptroller Ellis advised that an EFC Grant was approved in the amount of \$480,000 for the Hamilton Brown/Bushnell Shore Road Project.

Supervisor Becker commented that the next project for the remaining sewer will be gravity fed. Estimated cost of this remaining work could cost between \$17 to 20 Million Dollars. The Plan would be to start preparing documentation for this remaining portion of work sometime after the first of the year. The hope is that information can be prepared for a possible vote in 2022. This would be for the remaining area beginning at the middle of the lake shore area and would involve approximately 700 units with Midlake Meadows being included.

EXECUTIVE SESSION

Upon the motion made by Councilor Martin, seconded by Councilor Brzuszkiewicz, the Board entered into Executive Session at 5:45 p.m. for advice of Counsel. All of the Town Board Members voted in favor of the motion.

A motion was made by Councilor Kopp, seconded by Councilor Brzuszkiewicz and unanimously approved by the Board to come out of Executive Session at 6:10 p.m. No action was taken.

ADJOURNMENT

With no further business and upon a motion made by Councilor Kopp, seconded by Councilor Ranger and unanimously passed by the Board, the meeting was adjourned at 6:12 p.m.

Respectfully submitted,

Jill A. Doss
Deputy Town Clerk