The following Town Officials were in attendance:

Supervisor: Douglas LaGrange
Councilperson: Adam Greenberg
Engineer: William Hennessy
Town Attorney: Michael Naughton
Town Clerk: Diane Deschenes
Absent: Councilperson: Daniel Leinung

1. Call to order
Supervisor LaGrange called the hearing to order at 6:45 PM regarding Proposed Local Law C of 2019, a law amending the town of New Scotland Zoning Law in relation to municipal solar facilities.

Attorney Naughton advised that we have two landfill sites that we are considering for the projects of seeking proposals through a RFP using Solomon as our consultant for development of solar arrays on the landfill sites. SEQR laws have been amended effective January 1, 2019, to indicate that relatively smaller solar array projects that involve no disturbance other than the landfill site, which really are exempt from SEQR, and our large solar projects have certain setback requirements and siting requirements that really don’t make much sense on a landfill site, one of which is an active transfer station. This law would make a solar collector system project on our two landfill sites exempt from those provisions in our solar law. We would also allow a solar battery storage facility to be sited there and it would not require a hearing, site plan review, or special use permit from the Planning Board which a large solar project would need under our solar law. That’s really what the law is all about. We did the SEQR process at our last special meeting and issued a negative declaration of significance.

Councilperson Greenberg advised that we are waiting to hear from Albany County. We won’t be able to vote on it tonight regardless of what happens here unless we have a special meeting in two weeks.

Attorney Naughton advised that there were a couple of comments from the Planning Board that Attorney Peck informed him of, and he circulated those to the Board via email. He thinks we should note that we advertised this public hearing in the newspaper and we have proof of publication.

Supervisor LaGrange said that this doesn’t preclude us from referring anything to the Planning Board if we wanted to but it’s just not a requirement. Attorney Naughton agreed adding that we’re not required to have a hearing. The Planning Board was asking about that. It doesn’t preclude us from voluntarily holding a hearing. Government organizations exempt themselves from zoning often. Just like a state project, if you wanted to you could notice a public hearing and have a hearing if you wanted to. He would suggest that if we do decide to do that it’s when we get the RFP at a point where it is felt that it’s ready to send out and have the hearing at that point because what we’re trying to do is streamline the process and have as many solar developers as possible interested in bidding on the project so we maximize the participation of bidders and hopefully maximize whatever revenues we can generate for the Town and streamline the actual building and bringing it on line.

Councilperson Snyder asked that the following Planning Board comments be included in the record:

The Planning Board reviewed and commented on Local Law C last night. The minutes from this portion of the meeting will be provided once they have been transcribed by Lori. However, a synopsis of the Planning Board’s comments/recommendations is as follows:

1. Planning Board recommends a procedure be incorporated into the law that allows for a referral to the Planning Board prior to Town Board approval – this is similar to what we do with ZBA use variances. This would not require a public hearing but would allow for PB input on design.
2. Planning Board recommends notice to neighboring property owners of the project prior to Town Board approval be incorporated into the law. Something similar to the sign notice provision was discussed.
3. A question was raised by Patty Snyder as to who would approve site plan for the project – TB or Building Inspector. The law is silent on this issue and references only that the lease would be
approved by the TB. It was my impression that the lease agreement would include a site plan, but that is assumed.

Attorney Naughton advised that we can’t take any action on this tonight. We should wait to get the County Planning Board response. Supervisor LaGrange asked if we should schedule a meeting for June 26th. Councilperson Greenberg agreed. Attorney Naughton noted that we do have a draft RFP that Solomon prepared and they are going through iteration. Councilperson Hennessy made some comments on that. Attorney Naughton said he will have to throw a draft lease in there also. There is a suggested form for that in the NYERDA packet. Councilperson Hennessy said that we can provide that to the Board if they want it.

Louise Gava from Municipal Electric and Gas Alliance applauded the Board for being proactive on this. She’s met a lot of municipalities that sort of take whoever comes and they leave a lot of money on the table. Kudos to the Town of New Scotland for taking a proactive stance and inviting people in and making it a process. We don’t see that very much.

2. Adjourn

Supervisor LaGrange made a motion to adjourn, seconded by Councilperson Greenberg. The meeting adjourned at 6:56 PM.

Diane R. Deschenes, Town Clerk