

**TOWN OF MALONE**  
**PUBLIC HEARING**  
**June 22, 2022**

A Public Hearing was held Wednesday, June 22, 2022 at 6:00 p.m. at the Town Offices, 27 Airport Road, Malone, New York. The purpose of the hearing was to hear all interested parties and citizens regarding the SEQRA review of a Proposed Community Solar Farm to be located at 176 Bare Hill Road, Malone, New York.

<b>PRESENT:</b>	Andrea Stewart	Supervisor
	Terry Maguire	Deputy Supervisor
	Jody Johnston	Councilor
	Brian Taylor	Councilor

<b>ABSENT:</b>	Paul Walbridge	Councilor
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**ALSO PRESENT:**

Denice Hudson, Budget Officer	Kristopher Pirie, Malone
Jean Marlow, Town Clerk	Scott Smith, Malone
Mike Andrews, Highway Superintendent	Jayne Tracy, Malone
John Manly, Dep. Highway Superintendent	Barry Smith, Malone
Alex Violo, Malone Telegram	Calvin Martin, Malone
Bridget Cook, Zoghlin Group	Mike Fournier, Malone
Megan Zimba, Cipriani Energy	Mary Scharf, Malone
Websly Darbouze, Bergmann Assoc.	Ciara LeClair, Malone
Bruce Burditt, Airport Manager	Nikki Towle, Malone
Frances Kabat, LaBella Assoc. (via webex)	

Supervisor Stewart opened the Public Hearing at 6:00 p.m. with the Pledge of Allegiance.

The Town Clerk read the Public Hearing Notice and reported that two agencies, DEC and the Town of Malone Planning Board, responded with the recommendation that the Town of Malone be the SEQR Lead Agency for the Yellow 17, LLC Solar project.

Supervisor Stewart introduced Bridget Cook from the Zoghlin Group, special counsel to the town to assist with solar energy systems. She gave a few remarks on the purpose and process of the public hearing and asked the applicants if they would like make any comments.

*Megan Zimba* from Cipriani Energy and *Websly Darbouze* from Bergmann Associates were in attendance representing the applicant. Megan Zimba gave an overview of the project. She states it is a 2 megawatt solar project at 176 Bare Hill Road in Malone. It will be part of Community Solar Program which provides residents the opportunity to subscribe which results in an approximate 10 percent reduction on electricity bills. Websly Darbouze from Bergmann Associates spoke about the details of the project. The project will be accessed by a gravel road, it is about 8 acres in a wooded area and will meet all set back requirements. There will be 3 variance requests for this project: An Area Variance for the pole installations next to the solar farm that connect to Bare Hill Road and in to the existing grid, a Use Variance because of the 7000 square feet limit for a solar farms within the town and another Area Variance as part of this project is in an area of state wide importance.

Supervisor Stewart asked for comments from those in attendance.

*Kristopher Pirie* introduced himself, he is the owner of the land where Cipriani Energy wishes to put this solar project. He appreciates this property that gives him the opportunity to snow shoe, hunt and enjoy nature. When he was first approached by Cipriani he was very happy because he sees the need for clean energy, he feels solar energy is an important step in this and his wish is that this project go forward.

*Mike Fournier*, a resident of Malone spoke next. He stated that he does not feel that this is a farm, he states it is an industrial complex. He also disagrees that it is green energy. He feels there will be hazardous waste and that this is not a carbon neutral project. He feels it will affect the wildlife in the area, especially with it being fenced in, lights on at night etc. and there will be noise with this size project, he feels inverters and converters will “hum” all day long. He suggests that if this project is allowed to go forward, that the Town pass a law that any resident who wants to move based on this project noise, visual pollution etc.

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that there is a fund to buy them out immediately at fair market value. He cautioned the board of what may happen if this is given permission for this project they will then ask for more, more land to build larger projects, tax breaks etc. He feels the technology is not available now for it be everything that they say it will be. He suggests that people go take a look at the solar projects on State Route 11B in Bangor to see the destruction of the farmland there. When dealing with wind/solar projects in the past he said the USDA and Franklin County Soil and Water Department made it clear if there is a conflict between farmlands and this type of solar or wind projects that food/land should come first. He states the farmland will be dead after a solar farm is put on it.

*Mary Scharf*, a resident, spoke to her experience having 30 solar panels at her home. She does not feel they hinder wildlife at all. They do not keep the deer away, they are always in her yard eating her plants and the panels do not kill the grass. She has had them for 10 years and has never heard them “hum”. Her electric bill has gone down considerably. She also said the town has solar panels on the building next door and we do not hear anything. She said she was opposed to the larger solar project but supports this smaller one.

Mr. Fournier then stated there is a difference between commercial and residential.

*Calvin Martin* is a resident of Malone and represents FARM, Friends Against Rural Mismanagement. They are a group from Franklin, Clinton and St. Lawrence counties that respond to this type of energy project applications and provides a complete record to the Municipalities/Lead Agencies. They are working on a written response now and will be submitting it to the Town Board next week. In the meantime he wished to speak to a few issues:

Airport: He feels there will be a solar glare issue. He disagrees with the solar glare report from Cipriani Energy. He has done several solar glare reports using the same software and he said Runway 23 at the Malone Dufort Airport will get several hours of yellow glare and anyone driving on Bare Hill Road will also get several hours of yellow glare. Cipriani Energy completed Part 1 of the EAF (Environmental Assessment Form). He does not agree with and feels what Cipriani has stated in Part 1 is not supported by evidence. SEQRA tells Lead Agency to consider cumulative or additive effects. The project in Bangor did not have a glare analysis done but he feels that along with this proposed project that this would create a cumulative glare effect.

Land: He notes a discrepancy in the application on the size, he asks is it 8 acres or 11 acres? He did a USDA web soil survey. They consult with Franklin County Soil and Water Agency and some of the land is farmland of state wide interest. He states 54 percent of the land is in this category, which is not a small amount. The cutting of the trees, erosion and proximity to the river were also areas of concern he mentioned. The Salmon River is a premiere fly fishing and trout fishing spot in the East. He doesn't feel that should be jeopardized. The farm report noted that the breeding of flies that the trout eat often mistake the panels for bodies of water and lay their eggs on them.

Decommissioning: He feels the decommissioning plan in the application is rhetoric. His opinion is that the real place to find the decommissioning plan to be in the contract with Mr. Pirie. He feels in the contract Cipriani explains in great detail how they can separate themselves from this project. He feels the wording would allow them to bail out if they wish or sell it to someone without any assets. He disagrees there would be any value left to the panels, he feels they are toxic waste and cannot be disposed of in the county landfill, they would need to go to a federally approved toxic waste landfill, in addition their projected cost of decommissioning is off by what he says to be by one order of magnitude, he explains as times ten. He goes on to say he uses solar energy, it is wonderful to a degree but putting it in the grid in this type of project is completely different. Then mentions there are huge State and Federal Subsidies as well as tax breaks they will receive.

Battery Storage: It is not in the application but at some point he feels battery storage systems will have to be put in place. He then states the dangers if this happens. Lithium Ion Batteries are volatile at an industrial scale. Climate affects them and you cannot put them out if they catch on fire and our fire department cannot handle them. He will be providing in his written submission evidence of this from the National Fire Protection, they have been warning about this thermal runaway for years. He urges the board to think carefully before allowing this project.

*Scott Smith* a resident who owns property in the area of the proposed project suggested when the panels expire the town should be sure there is a clause that covers the disposal and consider what needs to be done to better protect ourselves if there were a fire. He states a lot of things are harmful, but he feels that solar at this time is a way to better ourselves and our community. He supports the project.

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Bridget Cook asked if the applicant's representatives would like to comment at this time.

Websly Darbouze from Bergmann Associates stated that this is not a battery project. This project will be connected to the grid so no batteries will be involved. The project he says is very far from the river. Environmental impact such as erosion, run off and storm water associated with the project will be addressed in the next submission and he stated any run off will be the same as the precondition that is showing now. He reiterates that batteries are not a concern at all on this project, the energy will be transferred through the existing grid.

Dr. Martin stated he disagrees and will address that in writing

Supervisor Stewart then stated the Public Hearing will be held open as we are anticipating some written responses relating to this project from the public as well as the developer of this project.

Written responses were received from Ciara LaClair, Derrick Manson, Sherry LaClair, Joshua Dunning, Jack Sullivan, Friends Against Rural Mismanagement (FARM) and a response from Cipriani Energy to some of the comments made on June 22, 2022.

Supervisor Stewart noted there is a process that Cipriani Energy still needs to go through for LWRP (Local Waterfront Revitalization Program).

**RESOLUTION 188 - 2022 – Public Hearing Closed**

On a motion of Supervisor Stewart seconded by Deputy Supervisor Maguire the following resolution was  
ADOPTED Ayes 5 Stewart, Maguire, Johnston, Taylor, Walbridge  
Nays 0

Resolved to close the Public Hearing at 6:05 p.m.

**RESPECTFULLY SUBMITTED,**

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**JEAN MARLOW, TOWN CLERK**