

**TOWN OF MALONE  
PUBLIC HEARING  
September 27, 2017**

A Public Hearing was held on September 27, 2017 at 5:45 PM for a 3-Month Moratorium on Solar Farms.

**PRESENT:**

Howard Maneely	-----	Supervisor
Jack Sullivan	-----	Deputy Supervisor
Jack Sullivan	-----	Councilor
Mary Scharf	-----	Councilor
Ed Lockwood	-----	Councilor

**RECORDING SECRETARY:** Deborah Hutchins, Town Clerk

**ALSO PRESENT:**

Denice Hudson, Budget Officer	Andrea Dumas, Malone
Andrew Catavia, Geronimo Energy	Dave Werner, Malone
Jenny Monson-Miller, Geronimo Energy	Sue Werner, Malone
Josh Davis, Malone Telegram	Andrea Stewart, Malone
Russ Kinyon, Franklin County	Jennifer Perry, Saranac Lak
Sean Connin, Rainbow Lake	Mike Fournier, Malone
Scott Campbell, Friends of the North Country	

**CALL TO ORDER:** Supervisor Maneely called the Public Hearing session open at 5:47 PM. The Town Clerk then read the Public Hearing Notice as follows:

*The Town Board of the Town of Malone will conduct a Public Hearing at 5:45 PM on Wednesday, September 27, 2017 at the Malone Town Offices, 27 Airport Road, Malone, NY, for the purpose of gathering public input on Town of Malone proposed Law #1-2017, entitled “Enacting a 3-month Moratorium on Solar Farm”.*

*The proposed law may be seen in its entirety at the office of the Malone Town Clerk during regular business hours. Any persons wishing to comment on the proposed law may be heard at the time and place noted above.*

Supervisor Maneely then explained the purpose of the Public Hearing is for a 3-month moratorium. He further stated that the Town had been approached by Geronimo Solar Company about three weeks ago which was the first contact regarding this solar farm project. Supervisor Maneely stated that this company has already put leases in place for this project. NYSERDA, ANCA and Russ Kinyon, Franklin County, have been assisting in the research for this proposed project. At this time Supervisor Maneely called the Public Hearing open.

Martha Weaver spoke and commended the Town Board for doing the 3-month moratorium.

Mike Fournier then spoke and explained that he is one of the local residents that would be affected as some of the land for this project borders his property. He stated that he was also speaking for a group called “Friends Against Rural Mismanagement”. He then asked the Town Board if they could do a 6-month moratorium vs. a 3-month moratorium with the rationale that some of the current Board members will not be the same Board members at the end of the moratorium. Supervisor Maneely stated that they can request another moratorium at the end of the first 3 months if needed. Mr. Fournier then addressed Supervisor Maneely and commended him on his 20+ years of service to the community.

Dr. Calvin Martin then spoke and stated he supports the moratorium.

Councilor Scharf stated that she received 14 responses on her Facebook page relative to this solar project. She stated that most residents are concerned about the size of this project.

Jerry Duffy then stated that he understands that there are not enough power lines to get power out of the windmills so why are we adding to this joke. He also discussed the bird population that would be affected by these panels and the effect on property values. He also discussed the number of people that could be fed off this 900 acre parcel.

Supervisor Maneely added that this is likely just the “tip of the iceberg” and that other Towns with open land will be approached.

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Mike Fournier discussed an article for alternatives – putting panels on roof tops vs. fields that grow produce. He further discussed the number of snow geese in these fields and tourism along this corridor.

Russ Kinyon, Franklin County, then spoke. He stated he has been working the Town Board the last couple of weeks to try and understand the project and the laws for such. He is proposing that a County-wide Renewable Energy Task Force be formed to look at all the laws and ordinances. Mr. Kinyon stated he welcomes any input from the public on this subject.

Andrea Stewart spoke and stated that she also supports the Board on the moratorium and agrees this is the best way to address the issues and do more research.

Andy Catania and Jenny Monson-Miller, Geronimo Energy, introduced themselves. Mr. Catania stated that they are here tonight to listen and get feedback to understand how all can potentially work together. Mr. Kinyon asked if the NYSEERDA application had to be approved prior to the Article 10 process. Jenny stated that NYSEERDA is a power sale process and Article 10 is a permitting process and can be started anytime. Russ Kinyon then explained that Article 10 is a state law that any project over 25 megawatts goes directly to the State Citing Board who has the final say on the project. There would be 2 people on this Board from the local community but the remainder of the Board is made up largely of other state agency officials.

Supervisor Maneely then reminded all that Route 30 is registered as a designated Scenic By-Way.

Mike Fournier then asked if Geronimo would be willing to accept the decision of the community if they opt out of the project. He also asked if the representatives from Geronimo here tonight could get back to the Town Board in a reasonable time frame (30 days) with a list of all monies donated to any politician in NYS over the last 3 years. Supervisor Maneely stated that a FOIL request can be submitted to get the information on donated political money.

Dr. Calvin Martin stated that he is involved in 3 Article 10 processes in NYS at this time. He then stated that if this company is in the PIP phase, then the process has started and the clock is running. The Citing Board is now in charge of the process, not the local Town Board. Regardless of a moratorium, the Citing Board determines and it is out of the local hands. Dr. Martin then expressed his dismay that this company started the process without community input first.

Supervisor Maneely then read the proposed 3-Month Moratorium Law as follows:

**Town of Malone Local Law Number #1-2017**

**3 MONTH MORATORIUM ON COMMERCIAL SOLAR PROJECTS**

*WHEREAS solar energy technology has been developed and it is in the best interest of the health and welfare of the Town of Malone community and of its citizens for the town to allow and encourage the use of solar energy for private home, retail and farm use; and*

*WHEREAS commercial solar projects utilizing, five or more solar panels may have an impact on the environment, both intrinsic and aesthetic and on the character and nature of the surrounding neighborhood. There may be other impacts as well, especially depending on the location of said project and its proximity to the Town of Malone – Dufort Airport and other facilities. Commercial solar projects may have an impact on the safety and welfare of the community as well as air traffic and the use of the Town of Malone - Dufort Airport; and*

*WHEREAS it is incumbent upon Town of Malone board to research, review all pertinent issues regarding commercial solar installations, and develop reasonable regulations to insure the safety, health and welfare of the Town of Malone.*

***NOW THEREFORE BE IT ENACTED;***

*The Town of Malone, effective immediately upon the filing of this local law with the Secretary of State imposes a 3-month moratorium on the application and installation of commercial solar projects, defined as a solar project involving five or more solar panels.*

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Martha Weaver then spoke and stated that she feels a solar project of this size is not in the best interest of the community and hopefully the State will understand this.

Lisa Brown then spoke up and asked if Geronimo was buying or leasing the property. Supervisor Maneely stated that he was told they were leasing the property. Dr. Martin stated that they never buy property. Ms. Brown then asked if they (Geronimo) would put solar panels across from where they live. Mr. Catavia stated that he is not the person to ask; Ms. Monson-Miller responded that she personally love it.

Sue Werner then asked what a solar panel looks like and how tall it measures. Ms. Monson-Miller responded that they have a number of pictures and materials and Ms. Werner expressed interest in viewing them.

Councilor Scharf offered a summary – two weeks ago they met and she asked if there would be a benefit to the local citizens and would there be a break on their energy bills. The answer was NO to this. She also asked why this company would assume there would be a PILOT agreement. If they were to pay the taxes they should pay on this project, it would amount of approximately \$4.5 million in taxes per year back to this community. Councilor Scharf then stated that any company that comes in to Malone should be able to give something back to the community. This land is currently producing crops and there is an extreme concern to what benefit this project would be to our community. Deputy Supervisor Sullivan concurred with Councilor Scharf's comments. Dr. Calvin Martin added that the standard gift to a community from these solar companies is the offer of a fire engine.

Dave Werner then asked what the normal use of the land would be after the panels were removed and what will be done with the land during use. Mr. Catavia responded that there would be grasses growing and mowing would occur with the idea to establish a vegetative state. Mr. Werner stated that he is neutral on this project right now stating he has lived with the farming in the area with dust, etc. He indicated he has driven by a large solar farm which did not look too bad. He would like to know if the panels will block his view of the Adirondack scenery. Mr. Werner too feels the proper amount of taxes need to be paid.

Supervisor Maneely reiterated the size of the project which is the equivalent of 450 football fields and the largest solar project East of Colorado.

Councilor Taylor stated it would be sad that Malone would go on the map because of a Solar Project leaving no more environment or scenery.

Supervisor Maneely then thanked all in attendance for coming to this Public Hearing. The Public Hearing Session was closed at 6:20 PM with no further comments being taken.

**REGULAR MEETING CALL TO ORDER:** Supervisor Maneely called the regular meeting to order at 6:20 PM, with a pledge of allegiance to the flag.

Kevin Fuekas C2AE – Supervisor Maneely then introduced Kevin Fuekas with the firm C2AE who has replaced Tim Burley. Kevin provided his background with the firm and stated that he has assumed some of Tim's clients and responsibilities. Kevin has brought a proposal for approval and indicated he has reviewed some of Sewer District #2 in order to assist the Town with a local law for billing in this district. Councilor Scharf asked for clarification on the sewer billing process and maintenance costs. Mr. Fuekas reviewed the process and maintenance of the collection systems. Mr. Fuekas also briefly mentioned a Water District #3 project listed in the state financing program. He reported that rules have changed and if this is a project that the Town wants to entertain in the future, the listing system needs to be updated by October 10, 2017 or they may take it out.

**RESOLUTION 239-2017- C2AE Proposal – Sewer District #2 Local Law**

On a motion of Councilor Scharf, seconded by Councilor Taylor, the following resolution was ADOPTED Ayes 5 Maneely, Sullivan, Taylor, Scharf, Lockwood

Nays 0

Resolved to accept proposal from C2AE for \$2,500 to do work for a new Sewer District #2 Local Law.

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**MINUTES:**

**RESOLUTION 240-2017**

On a motion of Councilor Scharf, seconded by Councilor Lockwood, the following resolution was

ADOPTED Ayes 4 Maneely, Scharf, Taylor, Lockwood  
Nays 0  
Abstain 1 Sullivan

Resolved to approve minutes from the August 28, 2017 Special Meeting.

**RESOLUTION 241-2017**

On a motion of Deputy Supervisor Sullivan, seconded by Councilor Taylor, the following resolution was

ADOPTED Ayes 4 Maneely, Scharf, Sullivan, Taylor  
Nays 0  
Abstain 1 Lockwood

Resolved to approve the minutes form the September 13, 2017 Regular Meeting.

**REPORTS:**

Code Office Report for August 2017. (No approval action was taken on this report – will be addressed at next regular meeting.)

**OLD BUSINESS:**

The following Solar Moratorium Law was read by Supervisor Maneely:

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*WHEREAS commercial solar projects utilizing, five or more solar panels may have an impact on the environment, both intrinsic and aesthetic and on the character and nature of the surrounding neighborhood. There may be other impacts as well, especially depending on the location of said project and its proximity to the Town of Malone – Dufort Airport and other facilities. Commercial solar projects may have an impact on the safety and welfare of the community as well as air traffic and the use of the Town of Malone - Dufort Airport; and*

*WHEREAS it is incumbent upon Town of Malone board to research, review all pertinent issues regarding commercial solar installations, and develop reasonable regulations to insure the safety, health and welfare of the Town of Malone.*

**NOW THEREFORE BE IT ENACTED;**

*The Town of Malone, effective immediately upon the filing of this local law with the Secretary of State imposes a 3-month moratorium on the application and installation of commercial solar projects, defined as a solar project involving five or more solar panels.*

**RESOLUTION 242-2017 – 3-Month Solar Moratorium**

On a motion of Councilor Lockwood, seconded by Deputy Supervisor Sullivan, the following resolution was

ADOPTED Ayes 5 Maneely, Sullivan, Taylor, Scharf, Lockwood  
Nays 0

Resolved to approve the 3-Month Solar Moratorium as read by Supervisor Maneely.

**RESOLUTION 243-2017–Application and Agreement for Use of Town of Malone Facilities**

On a motion of Councilor Lockwood, seconded by Councilor Taylor, the following resolution was

ADOPTED Ayes 5 Maneely, Scharf, Sullivan, Taylor, Lockwood  
Nays 0

Resolved to approve the Application and Agreement for Use of Town of Malone Facilities form.

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Scott Campbell, Friends of the North Country, stated that they (Administrator for this grant) agree with the recommendation by the architect to accept the lower bidder. This bid represents the roof portion only of the three components to the project.

**RESOLUTION 244-2017 – Bid Award for Valley Ridge Project**

On a motion of Councilor Lockwood, seconded by Deputy Supervisor Sullivan, the following motion was

ADOPTED Ayes 4 Maneely, Scharf, Sullivan, Lockwood  
Nays 0  
Abstain 1 Taylor

Resolved to approve award low bid of \$128,400 to Northern Tier Contracting, Inc. of Gouverneur for the Valley Ridge Manor Roof Repair project.

**SUPERVISOR REPORTS:**

**RESOLUTION 245-2017 – Administrator – CDBG Grant**

On a motion of Deputy Supervisor Sullivan, seconded by Councilor Lockwood, the following resolution was

ADOPTED Ayes 4 Maneely, Sullivan, Scharf, Lockwood  
Nays 0  
Abstain 1 Taylor

Resolved to approve permission for Supervisor Maneely to sign agreement with Friends of the North Country to act as Administrator for the CDBG Grant Project #689HR331-16.

**RESOLUTION 246-2017 – Fair Housing Officer – CDBG Grant**

On a motion of Councilor Lockwood seconded by Councilor Scharf, the resolution was

ADOPTED Ayes 4 Maneely, Sullivan, Scharf, Lockwood  
Nays 0  
Abstain 1 Taylor

Resolved to approve the appointment of Robert Crossman to act as Fair Housing Officer for the Town's Office for Community Renewal Community Development Block Grant Project #689HR331-16 Housing Rehabilitation Program.

**RESOLUTION 247-2017 – Labor Standards Compliance Officer – CDBG Grant**

On a motion of Councilor Scharf, seconded by Deputy Supervisor Sullivan, the following resolution was

ADOPTED Ayes 4 Maneely, Sullivan, Scharf, Lockwood  
Nays 0  
Abstain 1 Taylor

Resolved to approve the appointment of Denice Hudson, Bookkeeper/Budget officer, to act as Labor Standards Compliance officer for the Town's Office for Community Renewal Community Development Block Grant Project #689HR331-16 Housing Rehabilitation Program.

**RESOLUTION 248-2017 – Malone EMS Roster**

On a motion of Councilor Lockwood, seconded by Councilor Taylor, the following resolution was

ADOPTED Ayes 5 Maneely, Sullivan, Taylor, Scharf, Lockwood  
Nays 0

Resolved for permission for Supervisor Maneely to sign the Active Roster of Malone EMS.

**RESOLUTION 249-2017 – WC Injuries Reporting Policy**

Worker's Compensation injuries are required to be reported within 24 hours of the injury to the Town Supervisor either by the employee or the employee's immediate supervisor. It is the responsibility of the employee or the employee's immediate supervisor to contact the WC carrier prior to receiving medical treatment. Any required documentation should be completed in accordance with the WC Self-Insurance Plan of Franklin County.

On a motion of Deputy Supervisor Sullivan, seconded by Councilor Scharf, the following resolution was

ADOPTED Ayes 5 Maneely, Sullivan, Taylor, Scharf, Lockwood  
Nays 0

Resolved to approve Worker's Compensation Injuries Reporting Policy as read.

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**RESOLUTION 250-2017 – Notice to Proceed to Baseline King Corporation**

On a motion of Councilor Scharf, seconded by Councilor Lockwood, the following resolution was

ADOPTED Ayes 5 Maneely, Sullivan, Taylor, Scharf, Lockwood  
Nays 0

Resolved for approval for Supervisor Maneely to sign the Notice to Proceed Letter to Baseline King Corporation for Airport Lighting Improvements.

**BOARD MEMBER/COMMITTEE ITEMS:**

*Councilor Scharf-* Councilor Scharf reported on the Sidewalk Grant and stated that the original numbers given by the State were incorrect and the amount needed now for the matching funds has increased to \$270,000+.

**RESOLUTION 251-2017 – Rescinding of Sidewalk Grant Resolution #196-2017**

On a motion of Councilor Taylor, seconded by Councilor Scharf, the following resolution was

ADOPTED Ayes 5 Maneely, Sullivan, Taylor, Scharf, Lockwood  
Nays 0

Resolved to approve rescinding Resolution No. 196-2017 relating to the Sidewalk Grant due to incorrect numbers as stated above.

Councilor Scharf then stated that the south side (just the one side) is what was originally applied for. When the application was put in the State approved both sides indicating monies available for both. Councilor Scharf reported that the Town Supervisor and County Highway Superintendent both attended a meeting in Potsdam for this grant and were told that in-kind services could be used for matching funds on the grant. Once actual approval of the grant came in, in-kind services were not allowed for matching funds. Councilor Scharf stated she would like approval to send a letter to DOT requesting to do just the south side at this time as per original request.

**RESOLUTION 252-2017**

On a motion of Councilor Scharf, seconded by Councilor Taylor, the following resolution was

ADOPTED Ayes 5 Maneely, Sullivan, Taylor, Scharf, Lockwood  
Nays 0

Resolved for approval for Councilor Scharf to write a letter to DOT requesting that the project be limited to a sidewalk on the South side.

**CORRESPONDENCE:**

**SUPERINTENDENT OF HIGHWAYS:**

Superintendent Mallette stated that they are waiting for the State to finish blacktopping and will get his finished up.

At this time Supervisor Maneely reminded everyone about a Special Meeting to be held on Monday, October 2, 2017 at 9:00 AM which will include presentation of the tentative 2018 budget.

**NEW BUSINESS:**

**RESOLUTION 253-2017 – 2017 Local Government Conference**

On a motion of Deputy Supervisor Sullivan, seconded by Councilor Taylor, the following resolution was

ADOPTED Ayes 5 Maneely, Sullivan, Taylor, Scharf, Lockwood  
Nays 0

Resolved to approve permission for Code Officer Crossman, Assessor Hewitt, Counselor Scharf and Town Clerk Hutchins to attend the 2017 Local Government Conference at SUNY Potsdam on October 10, 2017, with all expenses paid by the Town.

**RESOLUTION 254-2017 – Airplane Hangar Storage Guidelines**

On a motion of Councilor Scharf, seconded by Councilor Taylor, the following resolution was

ADOPTED Ayes 5 Maneely, Sullivan, Taylor, Scharf, Lockwood  
Nays 0

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Resolved to approve the Guidelines for Storage of Two Airplanes in One Hangar as read by Supervisor Maneely.

**RESOLUTION 255-2017 – Hangar Keys Policy**

On a motion of Councilor Lockwood, seconded by Councilor Taylor, the following resolution was

ADOPTED Ayes 5 Maneely, Sullivan, Taylor, Scharf, Lockwood  
Nays 0

Resolved to approve the Policy for Town to be provided keys to the Hangars, in case of emergency as read by Supervisor Maneely.

**EXECUTIVE SESSION (if warranted):**

**RESOLUTION 256-2017**

On a motion of Supervisor Maneely, seconded by Councilor Lockwood, the following resolution was

ADOPTED Ayes 5 Maneely, Scharf, Sullivan, Taylor, Lockwood  
Nays 0

Resolved to enter in to executive session at 6:45 p.m. with the Town Supervisor, Town Board Members and Town Attorney to discuss the employment history of, and matters leading to, the employment, discipline, suspension, dismissal or removal of a particular person.

**RESOLUTION 257-2017**

On a motion of Supervisor Maneely, seconded by Deputy Supervisor Sullivan, the following resolution was

ADOPTED Ayes 5 Maneely, Scharf, Lockwood, Taylor, Lockwood  
Nays 0

Resolved to enter back in to regular session at 6:58 p.m. No business to report from executive session.

**BILLS FOR AUDIT & PAYMENT:**

**RESOLUTION 258-2017**

On a motion by Councilor Scharf, seconded by Councilor Lockwood, the following resolution was

ADOPTED Ayes 5 Maneely, Sullivan, Taylor, Scharf, Lockwood  
Nays 0

Resolved that the following bills, having been audited and approved for payment, Vouchers #848-881:

General Fund (A) – Abstract #23 & #24	\$ 24,451.46
Part Town General (B)- Abstract #14	98.30
Highway Outside (DB) – Abstract #18	9,630.10
Trust & Agency (T) – Abstract #37	34,938.11
West Side Sewer (G) – Abstract #1	11,250.60
<b>GRAND TOTAL:</b>	<b>\$ 81,368.57</b>

**ADJOURN:**

**RESOLUTION 259-2017**

With no further business to be brought before the Board and on a motion of Councilor Lockwood, seconded by Councilor Taylor, the meeting was adjourned at 7:00 p.m. The next regular meeting is scheduled for October 11, 2017 at 6:00 p.m. with IDA Meeting at 5:45 p.m.

**RESPECTFULLY SUBMITTED,**

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**DEBORAH A. HUTCHINS, TOWN CLERK**