

April 18, 2017

State of New York
County of Fulton
Town of Oppenheim

Minutes of the Oppenheim Regular Board meeting held on April 18, 2017 at the Oppenheim Town Hall located at 110 Route 331, St. Johnsville, NY 13452.

Present

Cynthia Breh	--	Supervisor
Patricia Haberek	--	Councilwoman
John Houle	--	Councilman
Stephanie Gray	--	Councilwoman
Gloria Brys	--	Town Clerk

Absent

Cheryl Lynch	--	Councilwoman
Scott DeNinno	--	Highway Superintendent
Scott DeNinno	--	Codes Enforcement Officer
Billie Jo Getman	--	Dog Control Officer
Joanne Capek-Young	--	Bookkeeper

Supervisor Cynthia Breh called the meeting to order at 6:30 pm with the Pledge to the Flag.

Bookkeeper Report

Joanne Capek-Young was absent but had a report for the board members.
Patricia Haberek made a motion to accept the Bookkeepers Report and Stephanie Gray seconded and all board members were in favor

Dog Control Officers report

Billie-Jo Getman was absent but handed in a report of the calls that she answered for the month. It was recorded that there was a dog bite on State Highway 29. The dog did not have his shots or a license so the dog had to be quarantined for 10 days and then the owner had to get the dog his shots and get a dog license. There were other dogs at the residence that did not have shots or licenses. The dog control officer gave them 30 days to take care of this.

Stephanie Gray made a motion to accept the Dog Control Officers Report and John Houle seconded it and all board members were in favor.

April 18, 2017 (cont)

Codes Enforcement Officer

Scott DeNinno was absent but sent a report for the board members. He collected \$711.40 for permits. He stated that he has received a couple of inquiries regarding the possibility of people utilizing “tiny houses.” These are a small 200-300 sq ft home built on a wheeled frame. He told them that they would have to submit plans for the house and he would bring it to the board.

John Houle made a motion to accept the Codes Enforcement Officers Report and Stephanie Gray seconded it and all board members were in favor.

Highway Report

Scott DeNinno was absent but sent a report for the board members. He stated that the plows and equipment have all been painted. The highway employees have started sweeping the roads and also started patching holes.

The state legislature has approved additional highway funding which will mean an increase of approximately \$28,000 to the town for this year.

The culvert underpass of Crum Creek has begun to fail due to rust-out of the pipes. The town will be working with NYS DEC and the Army Corps of Engineers to obtain the proper permits to make repairs in this area. The work should be reimbursable under CHIPS.

The 2008 Mack dump truck has to go out for repairs because it has an engine electrical or emission systems issue.

Solar Farm

Attorney Sweeney was present to discuss the solar project on the Handy property. He presented resolutions that needed to be passed.

Motions

Stephanie Gray made a motion to pass Resolution 39 RATIFYING ITS APPROVAL OF THE LOCAL LAW NO. 1 OF 2017 ENTITLED “ESTABLISHING REGULATIONS FOR SOLAR FARM PERMITS” and Patricia Haberek seconded it. The Resolution is as follows:

**RESOLUTION #39 OF THE TOWN BOARD OF THE TOWN OF OPPENHEIM
RATIFYING ITS APPROVAL OF THE LOCAL LAW NO. 1 OF 2017
ENTITLED “ESTABLISHING REGULATIONS FOR SOLAR FARM PERMITS”**

Date: April 18, 2017

WHEREAS, the Town Board of the Town of Oppenheim has considered the proposed Local Law Establishing Regulations for Solar Farm Permits within the Town of Oppenheim, New York (the “Local Law”); and

WHEREAS, the Local Law is an Unlisted Action, and the Town Board is conducted its review of the application pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 N.Y.C.R.R. Part 617] (collectively “SEQRA”); and

WHEREAS, the Town Board of the Town of Oppenheim has duly considered the Short Environmental Assessment Form, the proposed Local Law in its entirety, and the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the SEQRA regulations, the comments made at the public hearing, such other public comments as received by the Board and such other information deemed appropriate; and

WHEREAS, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination;

WHEREAS, on March 21, 2017, the Town Board held a public hearing on the Local Law and adopted a resolution issuing a negative determination of significance under SEQRA and approving the Local Law;

WHEREAS, on or about April 12, 2017, the Town Board referred the local law to the Fulton County Planning Board pursuant to GML § 239-m;

WHEREAS, on or about April 18, 2017, the Fulton County Planning Board conducted its review of the Local Law pursuant to the Town Board's referral under GML § 239-m and determined the matter to be of local concern;

NOW THEREFORE BE IT RESOLVED by the Town Board of the Town of Oppenheim as follows:

1. That the Town Board hereby ratifies its approval of the Local Law on March 21, 2017 and hereby re-adopts the Local Law;
2. This resolution shall be effective immediately.

PASSED AND ADOPTED BY THE TOWN BOARD OF THE TOWN OF OPPENHEIM on the 18th day of April, 2017

<u>Roll Call Vote:</u>	<u>Yes</u>	<u>No</u>	<u>Abstain/Absent</u>
Supervisor Cynthia Breh	X		
Councilwoman Patricia Haberek	X		
Councilwoman Stephanie Gray	X		
Councilwoman Cheryl Lynch			X
Councilman John Houle	X		



Gloria Brys, Town Clerk

April 18, 2017 (cont)

John Houle made a motion to accept Resolution #40 which is accepting the application as complete for the Borrego Solar Energy North Project and South Project and Stephanie Gray seconded it. The Resolution is as follows:

**TOWN OF OPPENHEIM TOWN BOARD
RESOLUTION #40 ACCEPTING THE APPLICATIONS AS COMPLETE
FOR THE BORREGO SOLAR ENERGY
NORTH PROJECT AND SOUTH PROJECT**

Date: April 18, 2017

WHEREAS, on or about March 30, 2017, PV Engineers, P.C. (c/o Borrego Solar Systems, Inc.) (“Borrego”) applied to the Town of Oppenheim Town Board (“Town Board”) for a Solar Farm Permit pursuant to the Town of Oppenheim Local Law No. 1 of 2017, entitled “A Local Law Establishing Regulations for Solar Farm Permits Within the Town of Oppenheim” (“Solar Farm Law”) for a 1.366 MW Solar Energy Project (“North Project”) to be located at 519 County Route 151 in the Town of Oppenheim, Fulton County, New York on the lands owned by Holly Marie Handy, (Tax Map ID -1-19.1) (“Property”);

WHEREAS, on or about March 30, 2017, Borrego applied to the Town Board a Solar Farm Permit pursuant to the Solar Farm Law for a 2.0 MW Solar Energy Project (“South Project”) to be located at the Property;

WHEREAS, the two projects, while designed to be entirely separate systems with separate permit holders with separate off-takers for the electricity produced, the Town Board determined to review the applications for each project together to evaluate the potential environmental impacts under the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617, collectively referred to as “SEQRA”];

WHEREAS, on April 10, 2017, the Town of Oppenheim Code Enforcement Officer (“CEO”) reviewed the applications and determined the applications to be complete pursuant to Section 7 of the Solar Farm Law and sufficient to be presented at the April 18, 2017 regular meeting of the Town Board;

WHEREAS, on April 10, 2017, the Town Board, resolved to place the North Project and South Project on its regular meeting agenda for April 18, 2017 and to hold a special meeting for the purpose of holding a **public hearing on the North Project and South Project applications on April 25, 2017 at 6:30 pm and 6:35 pm respectively at the Town offices located at 110 State Route 331, St. Johnsville, NY** and referred the applications to the County for review pursuant to GML § 239-m; and

NOW, THEREFORE, BE IT RESOLVED, by the Town Board as follows:

1. That, based on the review of the Application by the CEO and the Town Board's own review, the Application is hereby determined to be complete pursuant to Section 7(C) of the Solar Farm Law;
2. That this resolution shall take effect immediately.

PASSED AND ADOPTED by the Town Board of the Town of Oppenheim on the 18th day of April, 2017

<u>Roll Call Vote:</u>	<u>Yes</u>	<u>No</u>	<u>Absent</u>
Supervisor Cynthia Breh	X		
Councilwoman Patricia Haberek	X		
Councilwoman Stephanie Gray	X		
Councilwoman Cheryl Lynch			X
Councilman John Houle	X		



Gloria Brys, Town Clerk

Motion made by John Houle to accept the specifications for the new heating system and to advertise for bids to be opened on May 16, 2017 and Stephanie Gray seconded it.

Adopted

Ayes – 4 Houle, Gray, Haberek, Breh

Absent – Lynch

Motion made by John Houle and seconded by Patricia Haberek to accept the Town Clerks Report.

Adopted

Ayes – 4 Houle, Haberek, Gray, Breh

Absent – Lynch

April 18, 2017 (cont)

Motion made by Stephanie Gray and seconded by Patricia Haberek to have all dog licenses due In January

Adopted

Ayes – 4 Gray, Haberek, Houle, Breh

Absent – Lynch

Motion made by Patricia Haberek and seconded by John Houle to authorize payment of the vouchers

Ayes – 4 Haberek, Houle, Gray, Breh

Absent Lynch

With no further business on a motion by Councilwoman Haberek and seconded by Councilwoman Gray, the meeting was adjourned at 8:30 pm

Respectfully submitted,
Gloria J. Brys, Town Clerk