

November 14, 2019

**State of New York**

Town of Oppenheim

Minutes of the Oppenheim Public Hearings held on November 14, 2019 at the Oppenheim Town Hall located at 110 Route 331, St. Johnsville, NY 13452.

**Present**

Cynthia Breh	--	Supervisor
Patricia Haberek	--	Councilwoman
Kathleen Montana	--	Councilwoman
Dennis Yost	--	Councilman
John Houle	--	Councilman
Gloria Brys	--	Town Clerk
Dave Rackmyre	--	Codes Enforcement Officer

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

Supervisor Breh opened the public hearing on the solar farm at 6:30 pm  
Anyone present may speak for or against the solar farm which is to be located at 457 County Highway 151.

Attorney Mark Sweeney and Ethan Winter were present to answer any questions concerning the solar farm. Ethan Winter explained the project and had maps of where the solar farm would be located.

Dave Rackmyre stated that before the public hearing the planning board had to review it. Since the Town of Oppenheim does not have a planning board, the County planning board reviewed it.

Carolyn Johnson (resident of Mill road) was present to voice her opinion. She stated that she has lived in the town for many years. She said that the solar panels are not pleasant to look at. She is not in favor of the solar farm. She also understands that after so many years the land is supposed to be put back the way it was, but she doesn't believe it. She wanted to know how the school benefits. It was stated that the school also gets the Pilot program.

Ed Gray (resident of county highway 151) was also present. He said that he is not happy with the location of the solar farm. He suggested moving the solar farm and the farmer would also benefit. Dave Rackmyre said that that section of the property is declared a wetland. Mr. Gray said no one wants panels on 3 sides of the property. He said maybe they can put it on the east end of the property. He stated the other option is to go north from his property and then he will only see panels on 2 sides. Mr. Gray wanted to know who does the mowing. Mr. Winters said that Cypress Creek has people who do the work.

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Dennis Gray (resident on County Highway 108) was also present with concerns. He stated that if you decided to sell your property you would probably have a hard time getting someone to buy it with the solar farm so close. He wanted to know what payment goes to the town. It was stated that Cypress Creek would pay a pilot payment which would benefit the town more because the town's equalization rate is so low.

James Foote (resident on County Highway 108) was also present. He was in favor of the solar farm and stated that if anyone wants to sell their property, he will buy it.

Patricia Haberek made a motion to close the public hearing at 7:25 pm and Dennis Yost seconded it and Kathleen Montana and John Houle was in favor.

Supervisor Breh opened the public hearing on the Oppenheim Vol. Fire Contract at 7:25 pm Anyone present may speak for or against the Fire Contract. The only one present for the public hearing was Jeramiah DeNinno and he did not speak.

Supervisor Breh opened the public hearing on the 2020 budget at 7:30 pm. Anyone present may speak for or against the 2020 Budget. No one was present to speak

The public hearings for the Oppenheim Vol. Fire Contract and the 2020 Budget were closed At 8:00 pm.

### **Executive Session**

Patricia Haberek made a motion to have an executive session at 8:00 pm and Dennis Yost seconded it and Kathleen Montana and John Houle were in favor.

Dennis Yost made a motion to call the meeting back to order at 8:05 pm and Patricia Haberek seconded it and Kathleen Montana and John Houle were in favor.

Motion made by Patricia Haberek and seconded by Kathleen Montana to accept the Oppenheim Vol. Fire Contract.

Adopted

Ayes - 5 Haberek, Montana, Houle, Yost, Breh

Nays - 0

Motion made by Patricia Haberek and seconded by Dennis Yost to appoint Jessica Crum as a member of the Board of Assessment Review for a term of 5 years which will expire on September 30, 2024.

Adopted

Ayes - 5 Haberek, Yost, Montana, Houle, Breh

Nays - 0

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Motion made by John Houle and seconded by Patricia Haberek to accept Resolution #40 which is as follows:  
Town of Oppenheim Town Board  
Resolution #40

**DETERMINING THE SOLAR FARM PERMIT APPLICATION TO BE COMPLETE, FOR ITS INTENT TO BE LEAD AGENCY AND SETTING A SPECIAL MEETING AND PUBLIC HEARING FOR THE PROPOSED BANTAM SOLAR PROJECT**

WHEREAS, on or about September 5, 2019, BANTAM SOLAR, LLC ("Bantam"), a wholly owned subsidiary of Cypress Creek Renewables, LLC ("Cypress Creek") (together, the "Applicant"), 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" (the "Solar Law") to allow for the development of a ± 5MW solar energy facilities, including solar panel arrays, an access road, collection lines and utility infrastructure (the "Project");

WHEREAS, the Project will be located at 457 County Route 151 in the Town of Oppenheim, Fulton County, New York on lands owned by Eric Johnson and Maria Bolastig (Tax Map Nos.: 125.-1-22, 125.-1-23, 125.-1-19.2)(the "Property");

WHEREAS, the Town Board received a Full Environmental Assessment Form ("FEAF") with Part 1 completed by the Applicant;

WHEREAS, the State Environmental Quality Review Act (ECL Article 8 and its implementing regulations at 6 NYCRR Part 617, collectively "SEQRA") require that no agency shall carry out, fund or approve an action until it has complied with the requirements of SEQRA;

WHEREAS, the Project will take place partially within a certified Agricultural District and an Agricultural Data Statement has been prepared;

WHEREAS, the Town Board desires to be lead agency for the purpose of conducting a coordinated SEQRA review for the Project and to notify all potentially involved agencies and farm operations as defined by NYS Agriculture and Markets Law, Article 25-AA within 500 feet of the proposed project;

WHEREAS, the Town Board identified the following involved and interested agencies and parties:

- • NYS Department of Environmental Conservation;
- • Town of Oppenheim Town Board;
- • Fulton County Highway Department;
- • NYS Environmental Research and Development Authority;
- • NYS Dept. of Environmental Conservation and
- • Fulton County Planning Department.

WHEREAS, on or about October 8, 2019, the Code Enforcement Officer reviewed the application for completeness in accordance with the requirements of Solar Law, presented the application to the Town Board for consideration at its next regular meeting and referred a complete statement of the application to the Fulton County Planning Board pursuant to GML § 239-m;

WHEREAS, on October 15, 2019, the Fulton County Planning Board reviewed the application and recommended approval of the application under certain conditions.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby declares: ·

1. based on such review and consideration, pursuant to Section 7(A) of the Solar Law, that the Bantam Solar application is complete;
2. the proposed action is a Type 1 Action under SEQRA and the Town Board shall undertake an coordinated review of the action;
3. the Town Clerk is directed to issue notices to all involved and interested agencies of the Town Board's Intent to Act as Lead Agency under SEQRA together with a copy of the Application, site plans, Part 1 of the EAF, the Agricultural Data Statement and other supporting documents for the Project;
4. the Town Board shall hold a special meeting of the Town Board on November 14, 2019 at 6:30 pm at the Oppenheim Town Offices for the purpose of holding a public hearing to comments from all persons for or against the Project at the same location and time;
5. the Town Clerk is directed to publish a notice of the Special Meeting and Public Hearing in the Town's official newspaper;
6. the Applicant is directed to mail notice of the public hearing together with an Agricultural Data Statement to all landowners listed thereon; and
7. this resolution shall take effect immediately.

PASSED AND ADOPTED this 14th day of November, 2019 by the Town of Oppenheim Town Board

ROLL CALL VOTE	YES	NO	ABSENT/ABSTAIN
Supervisor Breh	X		
Dennis Yost	X		
Patricia Haberek	X		
Kathleen Montana	X		
John Houle	X		

Motion made by Patricia Haberek and seconded by Dennis Yost to accept the 2020 Preliminary Budget as the 2020 Final Budget.

Adopted

Ayes - 5 Haberek, Yost, Montana, Houle, Breh

Nays - 0

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With no further business on a motion by Councilman Yost and seconded by Councilwoman Haberek the meeting was adjourned at 8:10 p.m.

Respectfully submitted,  
Gloria J. Brys, Town Clerk