

December 8, 2020

State of New York  
County of Fulton  
Town of Oppenheim

Minutes of the Oppenheim Town Board meeting held on December 8, 2020 held at the Oppenheim Town Hall located at 110 State Highway 331, St. Johnsville. NY 13452

Present

Cynthia Breh	--	Supervisor
Robert Pierce	--	Councilman
Kathleen Montana	--	Councilwoman
Gloria Brys	--	Town Clerk

Absent

Robert Norris	--	Councilman
Dennis Yost	--	Councilman
Scott DeNinno	--	Highway Superintendent
Joanne Capek-Young	--	Bookkeeper
Dave Rackmyre	--	Codes Enforcement Officer
Ty Stowell	--	Dog Control Officer

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

**Highway Report**

Mr. DeNinno was absent but had a written report for the board members.

Truck 2 (2004 International) has been converted over to a one-man operation for plowing.

Work continues on sign replacements and installations. Over the week-end we had multiple street signs stolen. All street name signs along Youkers Bush Road to State Highway 331 were stolen along with the mounting brackets (approximately \$500 worth of signs and brackets). The sheriff's office was contacted. New signage will be ordered and installed as soon as possible.

A new windshield has been installed in truck 10 (2017 Dodge).

Kathleen Montana made a motion to accept the Highway Report and Robert Pierce seconded it and Supervisor Breh was in favor.

**Codes Enforcement**

Dave Rackmyre was absent and did not have a report for the board members.

December 8, 2020 (cont)

**Dog Control Officer**

Ty Stowell was absent but had a written report for the board members. He stated that he is still working on the rabies contact animal on Brockett Road. Even though it is a cat, he is responsible to check on it.

He received a call about a dog on the Sprite Road, so he picked it up and took it to the Brennan Humane Society and it is up for adoption.

Kathleen Montana made a motion to accept the Dog Control Officer's report and Robert Pierce seconded it and Supervisor Breh was in was in favor.

**Town Clerks report**

Town Clerk Brys presented the report for November.

Kathleen Montana made a motion to accept the Town Clerks report and Robert Pierce seconded it and Supervisor Breh was in favor.

**Bookkeepers Report**

Joanne Capek-Young had a written report for the board members.

Robert Pierce made a motion to accept the Bookkeepers report and Kathleen Montana seconded it and Supervisor Breh was in favor.

**Executive Session**

Robert Pierce made a motion to have an executive session at 6:42 p.m. on personnel and Kathleen Montana seconded it and Supervisor Breh was in favor.

The meeting was called back to order at 6:55 p.m.

Motions

Motion made by Robert Pierce and seconded by Kathleen Montana to dispose of junk in The town hall

Adopted

Ayes - 3 Pierce, Montana, Breh

Absent - 2 Norris, Yost

Motion Made by Robert Pierce and seconded by Kathleen Montana to give Supervisor Breh the authority to cancel meetings due to COVID19.

Adopted

Ayes - 3 Pierce, Montana, Breh

Absent - 2 - Norris, Yost

December 8, 2020 (cont)

Motion made by Robert Pierce and seconded by Kathleen Montana to give Supervisor the authority to pay the vouchers if the meetings are canceled.

Approved

Ayes - 2 Pierce, Montana

Absent - 2 Norris, Yost

**Approval of Minutes**

Motion made by Robert Pierce and seconded by Kathleen Montana to accept the minutes of November 17, 2020.

Adopted

Ayes - 3 Pierce, Montana, Breh

Absent - 2 Norris, Yost

Motion made by Kathleen Montana and seconded by Robert Pierce to accept resolution #35  
Which is as follows

**Resolution #35**

WHEREAS, the Town previously approved the issuance of a Solar Farm Permit to Bantam Solar, LLC, a wholly owned subsidiary of Cypress Creek Renewables, LLC (together “the Applicant”) with respect to the development of a +/- 5 MW solar energy facility to be located At 457 County Route 151 (Tax Map Nos. 125.-1-22: 125.-1-23; and 125.-1-19.2); and

WHEREAS, in connection with such proposed project, the Applicant has submitted to The Town a proposed Decommissioning Plan, dated as of September 4, 2019, and a proposed Decommissioning Bond in the amount of \$406,000.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Applicant’s proposed Decommissioning Plan is accepted, and it is further

RESOLVED, that the Applicant’s Decommissioning Bond in the amount of \$406,000 is accepted as to both form and amount, and the Applicant is hereby directed to file a duly executed copy of the Decommissioning Bond with the Town

Adopted

Ayes - 3 Montana, Pierce, Breh

Absent - Norris, Yost

December 8, 2020 (cont)

Motion made by Kathleen Montana and seconded by Robert Pierce to accept the Decommissioning Plan from Bantam Solar LLC. It is as follows:

Bantam Solar, LLC Decommissioning Plan  
Prepared and submitted by Bantam Solar, LLC

Decommissioning will occur as a result of the following conditions:

1. The land lease expires or is terminated; or
2. The solar energy system the ("SES") does not produce power for a period of 12 Consecutive months

Bantam Solar, LLC (the "Operator") of the SES will do the following as a minimum to Decommission the SES:

1. Remove all Operated-owned equipment, conduits, structures, and foundations to a Depth of at least three feet below grade; and
2. Remove all fencing unless the owner of the leased real estate request in writing for It to stay in place; and
3. Take the following steps to restore the land;
  - a. Grade to maintain existing drainage pattern at the time of decommissioning unless stated otherwise by the leading Authority Having Jurisdiction (AHJ) or in any governing decommissioning ordinance;
  - b. Reseed the land using local non-invasive grasses; and
  - c. Maintain the grass for a total of three months after the seeding

All such removal and decommissioning shall occur within 18 months of any aforementioned Decommissioning condition.

The Operator is responsible for decommissioning the SES.

The Operator will provide the Town of Oppenheim Town Board with an updated signed Decommissioning plan within 30 days if the operator of the SES changes

Any updates to this plan will be submitted to the Town of Oppenheim Town Board by the Party responsible for decommissioning the SES.

Operator: Cypress Creek Renewables  
Authorized Person: Matthew Bowers  
Date: 9/4/19

Adopted

Ayes - 3 Montana, Pierce, Breh

Absent - 2 Yost, Norris

December 8, 2020 (cont)

Motion made by Robert Pierce and seconded by Kathleen to accept the Code of Ethics for the officials and employees of the Town of Oppenheim

Adopted

Ayes - 3 Pierce, Montana, Breh

Absent - 2 Yost, Norris

Motion made by Robert Pierce and seconded by Kathleen Montana to authorize payment of vouchers

Adopted

Ayes - 3 Pierce, Montana, Breh

Absent - Norris, Yost

**Organizational Meeting**

The Organizational Meeting will be held on January 1, 2021 at 2:00 p.m.

With no further business on a motion by Kathleen Montana and seconded by Robert Pierce the meeting was adjourned at 7:40 p.m.

Respectfully submitted

Gloria J. Brys