

A MONTHLY MEETING OF THE BUTLER TOWN BOARD WAS HELD AT THE BUTLER TOWN OFFICE BUILDING, 4576 BUTLER CENTER ROAD, BUTLER, WAYNE COUNTY, NEW YORK STATE ON MONDAY, MAY 8, 2023, AT 7:00 PM.

PRESENT: TOMMY METTLER, SUPERVISOR
GENE VANDEUSEN, COUNCILMAN
DAVID SOULES, COUNCILMAN
JOHN DATES, COUNCILMAN
DUANE VANGELDER, COUNCILMAN

ABSENT

ALSO PRESENT: , Town Clerk, Kimberly Parmeter, Lori Schmidt, Town Historian, Albie Huntington, Highway Superintendent, Rick Robinson, Trent Fralick, Nick Rizzo, Chad Mendenhall, Don Camp Codes Enforcement, Melody Ibbs, Donna Graham, Joe Young, Larry & Karen Masterangelo, Kristina Mastrangelo-Gaskowski, Mathew St. Martin Town Attorney, Duke Energy Representatives John Moellor & Mark Sweeney Attorney, Chelsey Egglestn Animal Control officer, Dolly Twist

The meeting was called to order at 7:00pm and all present joined in the Pledge of Allegiance to the Flag.

PUBLIC PARTICIPATION: Duke Energy Reps submitted correct application and site plans for solar project. This will go for review to Wayne County planning board for further review. John Moeller briefly explained the project to the community members present. There will be a public hearing on June 12 at 6pm for public participation. Chas Mendenhall asked about that actually savings for Town residents verses the cost of the project. Short answer was all cost associated with the project are absorbed by the development company.

Kristina Mastrangelo-Gaskowski inquired about the process on which the Town decides and votes to allow the project to continue. More information to this question will be provided at the Public Hearing and at a special meeting to be held after.

Sharon Mastrangelo inquired about the fire hazards of the solar system. Reps confirmed that the project must meet strict safety codes and the Fire department will be involved.

Councilman Dates inquired about the decommissioning plan and how in insure that the bond set will cover the expense in 30 years.

The bond will be reviewed every 5 years and adjusted as needed.

Councilman Van Deusen motioned to adopt the following resolution.

**TOWN OF BUTLER TOWN BOARD
RESOLUTION NO. 5**

**DETERMINING THE APPLICATION TO BE
COMPLETE, FOR ITS INTENT TO BE LEAD AGENCY,
AUTHORIZING REFERRALS AND SETTING A
SPECIAL MEETING AND PUBLIC HEARING FOR THE
PROPOSED SOUTH BUTLER SOLAR PROJECT**

WHEREAS, on or about April 6, 2023, REC Solar LLC on behalf of SOUTH BUTLER SOLAR, LLC ("Applicant"), applied to the Town of Butler Town Board ("Town Board") for a Special Use Permit and Site Plan Approval pursuant to Town of Butler Local Law No. 2 of 2023 entitled "to amend the Local Law No. 1 of 2014 Land Use Regulations adopting Local Law No. 2 of 2023 Solar Energy Law" ("Solar Energy Law") for the development of a ± 4.8 MW solar energy facility, including solar panel arrays, an access road, collection lines and utility infrastructure (the "Project")¹;

WHEREAS, the Project will be located near the intersection of NY Route 89 and Reed Road in the Town of Butler, Wayne County, New York on lands owned by Melvin High and Dale R. McNeilly Irrevocable Trust (Tax Map No.: 77114-00-079876 and 76114-00-986875)(the "Property");

WHEREAS, on April 6, 2023, the Town Board received an Application, Civil Site Plan Set, Full Environmental Assessment Form ("FEAF") with Part 1 completed by the Applicant, an Agricultural Data Statement and other supporting documentation²;

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

¹ On or about February 15, 2021, the Town Board approved a Special Use Permit and granted Site Plan Approval for this Project prior to the adoption of the Solar Energy Law. At that time, the Project included a 5.8 MW AC solar array and 15MW of Battery Energy Storage. For the avoidance of doubt, the Project now consists of 4.8 MW AC of solar array and has eliminated the battery energy storage component.

² The Town Board acknowledges that the basic layout of the project remains substantially unchanged and determines that all of the plans, reports and supporting materials from the previously approved project are incorporated into the record supporting the instant application.

WHEREAS, the Town Board desires (i) to be lead agency for the purpose of conducting a coordinated SEQRA review for the Project and (ii) 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 Project as it is partially located within a certified Agricultural District;

WHEREAS, the Town Board noted the following farm operations exist on the following properties within 500 feet of the Project:

- **Melvin High Farm, 4179 Route 89, Savannah, NY 13146 (Tax Map No. 77115-00-022033);**
- **Dennis and Kevi McNeilly Farm, 3944 Reed Road, Savannah, NY 13146 (Tax Map No. 76114-00-998753);**
- **Melvin High Farm, 4179 Route 89, Savannah, NY 13146 (Tax Map No. 76114-00-918825); and**
- **Robert and Cynthia Norris Farm, 3842 Foster Meade Road, Savannah, NY 13146 (Tax Map No. 77114-00-144638).**

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

- **NYS Department of Environmental Conservation;**
- **NYS Environmental Research and Development Authority;**
- **NYS Dept. of Transportation; and**
- **Wayne County Planning Board.**

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

1. **the Application is complete pursuant to Section 8 (A)(1) of the Solar Energy Law; (LL No. 2 of 2023) and**
2. **pursuant to Section 440(2) of the Butler Land Use Regulations, the Town Board authorizes the submission of the information required per Section 8 (B) of the Solar Energy Law prior to the issuance of a building permit as follows:**
 - a. **(8) (a final landscaping plan based on the conceptual design);**
 - b. **(9) (erosion and Sediment Control Plans and a Storm Water Pollution Prevention Plan);**
 - c. **(10) (a one (1) or three (3) line diagram detailing the solar energy system layout); and**
 - d. **(13) (a signed decommissioning plan prepared by a third-party engineer);**

3. the Project constitutes a Tier 3 Solar Energy System as defined in Section 3 of the Solar Energy Law; and
4. the proposed action is a Type 1 Action under SEQRA and the Town Board shall undertake an coordinated review of the action;
5. the Town Clerk and/or applicant are 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;
6. The Town Clerk and/or Applicant are directed to refer the complete application and all supporting materials to the Wayne County Planning Board no later than May 19, 2023 for review pursuant to GML § 239-m a required by Section 8 (A)(3) of the Solar Energy Law;
7. the Town Board shall hold a public hearing on June 12, 2023 at 7 pm at the Butler Town Hall located at 4576 Butler Center Road, Wolcott, NY 14590 to hear comments from all persons for or against the Project at the same location and time;
8. the Town Clerk is directed to post on the Town's Website or notice board and publish a notice of said Public Hearing in the Town's official newspaper or a newspaper of general circulation at least five (5) days prior to the public hearing pursuant to Section 440(1) of the Butler Land Use Regulations;
9. this resolution shall take effect immediately.

PASSED AND ADOPTED this 8th day of May, 2023 by the Town of Butler Town Board

ROLL CALL VOTE YES NO ABSENT/ABSTAIN

<u>Supervisor Mettler:</u>	<u>YES</u>
<u>Gene Vandeusen</u>	<u>YES</u>
<u>John Dates</u>	<u>YES</u>
<u>David Soules</u>	<u>YES</u>
<u>Duane Vangelder</u>	<u>YES</u>

Sharon Mastrangelo and Kristina Mastrangelo- Gaskowski shared frustration and concern about a neighboring dog and the owner. Several tickets have been issued for the dog not being licensed. The Town of Butler does not have a leash law, however the Village does. It was deemed that if the dog is in the village then tickets should be issued for the village as well. Several law enforcement agencies have been called because of the dog and the owner.

A ticket will be given to the owner to appear in court June 7th to try and resolve this issue. A request for additional laws to enforce animal control was requested.

MINUTES: Motion was made by Councilman Van Gelder, seconded by Councilman Van Deusen to accept the minutes from April 10, 2023. All were in favor.

MONTHLY REPORTS: Supervisor, Town Clerk, Historian, Assessor and Justice submitted written monthly reports.

Supervisor Mettler provided copies of the annual audit for all board members to review at their leisure. The supervisors report was not available that the time of the meeting do to program errors. The supervisor will provide copies when the report is complete.

Supervisor Mettler addressed the board about several comments that have been made about how he is performing his duties not only at the Town but also at the County. Supervisor Mettler gave each Councilmember the opportunity to speak, No comments were made

Codes Enforcement Officer Don Camp requested that a letter be sent to Community Energy regarding the purposed solar project on Spring Lake road explaining that the application process will need to be restarted as too much time has passed.

Mr. Camp requested that the new solar law be amended to include that attorney's fees accrued by the Town for any project will be paid by the developer. This will be looked into by the board.

Wager Road cell tower is being decommissioned. Highway Superintendent Robinson will also be monitoring this.

Highway Superintendent Robinson reported that the Town clean up went very well. Several owners of properties that have been a concern took part in the cleanup.

Permission to attend training was requested and granted by the board for June.

Town historian informed the board about the demolition of the old grange on route 89 and a safety hazard. RGE will be contacted in the morning.

The Town received a historical marker for the bicentennial. A dedication will be planned for a later date.

An estimate was given to the Historical society for repairs to the ramp at the Church building, the board is in full favor of having the repairs completed.

Councilman Soules motioned to accept the monthly reports, Seconded by Councilman Van Gelder. All were in favor.

ADVISORY COMMITTEE REPORTS:

GENERAL CORRESPONDENCE: Councilman Van Gelder motioned to allow the Town to donate \$100 to North Rose Wolcott High school in support of project graduation, seconded by Councilman Van Deusen. All were in favor

NEW BUSINESS: Councilman Dates motioned to approve the revised Sexual Harassment policy, Seconded by Councilman Van Gelder. All were in favor

Councilman Dates moved to grant permission for the Supervisor to sign the 2023 Ambulance contract, seconded by Councilman Van Deusen. All were in favor.

OLD BUSINESS: Conversation was had about renovations to the Town offices. Several estimates were researched. The decision was to update the bathrooms and possibly another office or storage area for the current building. All members were in favor of using the ARPA monies given to the Town by the state. The Supervisor will call the engineer for total estimate and plans.

TRANSFERS:

AUDIT & PAY:

Councilman Soules moved to pay General Town Wide bills, General Town outside Bills and Highway Town wide Bills in the amount of \$55,007.56 Seconded by Councilman Van Gelder.

EXECUTIVE SESSION:

ADJOURNMENT: Councilman Van Deusen moved to adjourn at 8:45 pm seconded by Councilman VanGelder, All were in favor. Carried

Please note that minutes were audio recorded and are available during business hours for review of the detailed meeting.

