

York Town Board Meeting
March 8th, 2022
7:00 pm

Present: Supervisor Gerald Deming, Council Members: Norman Gates and Amos Smith

Absent: Frank Rose Jr. and Jason Swede

Others: James Campbell (Town Attorney), Carl Peter (Zoning/Code Officer), Henry Fuller, Becky Lewis, Celia Lewis, Heather & Davies Nagel, Kirk Richenberg, Dustin Geiger, Joe McIlroy, Martha Edmonds, Dan Beaty, White Creek Solar; Neil Habig, Andrew Gordon, Joshua Baird, Neely Kelley and Dan Williams and George Worden (Highway Superintendent)

Supervisor Deming opened the Town Board Meeting at 7:05 p.m. and invited Councilman Smith to lead in the Pledge of Allegiance.

MINUTES

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to approve the minutes of the February 8th Town Board Meeting. Voted on and approved, Yes-3, No-0.

BILLS:

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to approve all claims brought before the Board. Voted on and approved, Yes-4, No-0.

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|------------------------------------|--------------|
| • General Fund # 53-81 | \$ 16,619.86 |
| • Consolidated Water/Sewer # 43-66 | \$ 92,793.81 |
| • Highway Fund # 35-50 | \$ 33,279.10 |

7:07 p.m. Councilman Rose arrived at this time

PRIVILEGES OF THE FLOOR:

1) White Creek Solar-AES:

Mr. Habig, as Project Manager introduced this evening his co-workers, Andrew Gordon (Project Developer), Joshua Baird (Permitting Manager), Neely Kelly (Stakeholder Relations) and Dan Williams (Land & Community Representative).

Mr. Gordon began by saying that AES has been changing to renewable clean energy and bought Community Energy (CE) which came with a number of projects. AES is now involved in the earlier stages of projects when previously they came in toward the end of

them. Mr. Gordon stated in this upcoming project, it encompasses the Town of York and Leicester, with a nameplate capacity of 135 MWAC. There will be enough electricity to power 30,000 homes annually with a project footprint of 1,000 acres. The expected commercial operation date (COD) is December 2025.

Mr. Gordon gave a brief overview of the project layout:

- Leases with 4 landowners
- Final project area under lease to be 1,000 acres
- 65% is in the Town of York
- 35% is in the Town of Leicester

Mr. Richenberg inquired with the map layout, what are the tan or light-colored areas? Supervisor Deming replied that the brown areas are prime soil.

Mr. Richenberg asked if all areas are leased? Mr. Williams responded that they are and additional engineering is required in order to dial in the project further.

Supervisor Deming inquired how they propose to connect all parcels. Mr. Williams answered that all connections are underground.

Mrs. Edmonds asked how this project compares with the project on Chandler Road (Trathen parcel)? Supervisor Deming replied that the Trathen & Dragani projects are only 5 MG watt projects.

Mr. Gordon explained the newest section to Executive Law, Section 94-C. This section is an expedited permitting process for large scale (25 megawatts or larger) renewable energy projects that is designated to substitute the Article 10 process of the NY Public Service Law. The new 94-c permitting process works to consolidate the environmental review for renewable energy projects. Article 10 applied to all electric generating facilities while Section 94-c only applies to renewable energy facilities.

Mr. Gordon outlined the proposed project timeline:

- Full application submission by end of 2022
- Approved permit- early 2024
- Construction starts- April 2024
- Interconnection/Construction complete-April of 2025

Solar Technology

- Photovoltaic panels on trackers to follow the sun...very common and proven
- Bifacial technology
- Inverters to convert DC to AC
- Buried electrical & communications cables
- Project substation for connection to grid will be in the Town of York

Single-Axis tracker technology

- Will be slowly rotating...quiet and unheard

Trackers and Inverters

- Trackers; the PV system for tracking the sun & adjusting the angle of the panels
- Inverters; converting DC energy into AC

Mr. Baird, Permitting Manager for AES gave a brief overview of Section 94-c process

- Review & decision will be made by ORES (Office of Renewable Energy Siting) within the Department of State.

*Draft regulations & uniform standards and conditions (USC) were issued by ORES on September 16, 2020.

- Provides for election to transition into process for existing Article 10 projects
- Requires pre-application consultation with state agencies, host municipalities and meetings with community members.
- Projects must be designed to avoid or minimize to the maximum extent achievable, potentially significant adverse environmental impacts.

Supervisor Deming inquired when the public comment period takes place, Mr. Baird answered comment period will begin once the draft permit is issued and will last for at least 60 days. Also, a Public Hearing date will be set once the draft permit is issued.

Councilman Smith asked if we have questions, is there a site we can obtain answers. Mr. Gordon replied there is, you can go to the ORES web site.

Attorney Campbell inquired if there will be Battery Storage.

Mr. Gordon answered that there will not be Battery Storage at this time and do not foresee it in the near future.

Planning Board Chairman, Mr. McIlroy asked if the Town has any say in this process?

Mr. Baird replied that the town will have a voice in the process, ORES takes into account the comments pertaining to the project. Mr. Gordon added that they (AES) can certainly speak with the Town Board on what they feel is an appropriate timetable to keep the Board and residents involved.

Mr. Richenberg asked if there is any chance the company would be bought out? Mr. Gordon answered not at this time, AES is one of the largest corporations for renewable energy.

Mr. McIlroy asked if their decommissioning plan will meet the Town's law? Mr. Gordon replied at this time he is unfamiliar with York's plan.

Attorney Campbell stated that the Town has recently been under review of our Solar regulations.

Celia Lewis asked about land management and if it consists of just mowing?

Mr. Gordon replied that they try to utilize non-farming methods and we are happy to find a solution for all. Usually mowing is the best alternative.

Davies Nagel commented that many studies have been conducted as it relates to native plants in particular soils, and stated that monitoring will be very important in this area.

Mr. Richenberg added you might find out that these soils may be a challenge, especially once they dry out, they harden.

Mr. Gordon stated that they will be connecting to the existing RG&E transmission line running through the project.

Mr. Gordon also addressed that no local infrastructure will be burdened by the project.

- No need for water or sewer
- No burden on school
- No additional police, EMS or other services
- No new roads for Towns/County to maintain

Mr. Baird commented that we can always meet with emergency representatives to outline our plan if the board feels it is necessary.

Mr. Gordon reviewed the Economic Benefits:

SHORT TERM

- \$150-\$200m in construction costs
 - many contracts awarded locally
 - 150+ jobs during construction
- increased local economic activity during construction
 - Spending on hotels, restaurants, shopping, entertainment etc.

LONG TERM

- Tax Revenue
 - Increased tax base for the host area
 - PILOT and HCA agreements with Livingston County IDA & host communities
- Full time Operations and Maintenance jobs
 - 2-3 full time equivalent O&M jobs

LAND PRESERVATION

- 1,000 acres to be used for the project
- Low mow turf cover and/or pollinator blends will be planted under the panels
- No use of pesticides
- Cover crops enhance soil over the life of the project
- Decommissioning guaranteed by surety bond
- Land available for farming by future generations

Mr. Gordon distributed White creek Solar contact information:

-Mr. Gordon: Andrew.Gordon@aes.com

-Ms. Neely Kelly: neely.kelly@aes.com

White Creek Solar: 866-757-7697

<https://www.communityenergyinc.com/whitecreek>

Mr. Richenberg asked if NYS has prepared a value prior to or after panels have been placed?

Mr. Gordon responded that NYS Department of Taxation & Finance has a site to utilize in order to assist with values.

Mr. Richenberg questioned the life expectancy and potential plans thereafter.

Mr. Gordon stated once land leases come to an end, further discussions have to take place to see if they wish to continue or not. More than likely the modules may need to be replaced. If after 20 years, it will be off of the contract revenue & may not be economical. It potentially may go earlier...there are many factors to consider 20-30 years from now.

Supervisor Deming asked about the size of the panels.

Mr. Gordon responded that the panels are 5 1/2-6 ft height and 2-3 feet wide.

Mr. Gordon concluded the presentation.

2)Becky Lewis and Davies Nagel:

Mrs. Lewis began by asking the Board if it is possible to add one more person, Molly Cummings, to the Trail Town Committee?

The Board agreed to include.

RESOLUTION offered by Mr. Smith & seconded by Mr. Rose to add Molly Cummings to the Town of York Trail Town Committee. Voted on and approved, Yes-4, No-0

Mrs. Lewis asked the Board how they wish to be informed of the committee's obtained information? Councilman Smith replied that they are welcome to attend the monthly meetings to keep the Board apprised.

Mrs. Lewis discussed the Genesee Valley Trail Town Action Plan with the Board, stating that she feels it was important for the Board's input in order to begin necessary steps. Mrs. Lewis addressed the need for marked crosswalks in the hamlet of Piffard.

Councilman Smith questioned how implementation of a crosswalk would take place in Piffard on Rt. 63, which is a very busy route. It might make more sense to stop Greenway traffic then Route 63 traffic. Mrs. Lewis commented she thought it was worth discussing.

Mrs. Lewis also addressed a kiosk, stating that most traffic is in this area and accessible to many. Discussion also took place regarding potential grant funding, as well as whom may be able to assist with construction of kiosks.

Mrs. Lewis stated through the Letchworth Gateway Villages there is a \$5,500 non-competitive grant for this year and a competitive one through Parks & Trails New York for \$5-15,000. This grant we are required to spell out how we plan to utilize the funds. We are not sure if we can obtain it this year but if not, we are likely to be granted for next year. Mrs. Lewis added that the state did convey that individuals cannot build or erect structures, only Town or State agencies may do so.

Mr. Nagel commented with this requirement from the state, other towns will incur the same problem.

Attorney Campbell suggested having a group build the structure(s) and have Town representatives install.

Mrs. Lewis added once the structures have been placed, the Trail Town Committee will be responsible for maps & changing of information to the kiosks. Having bike racks and benches will be beneficial. Mrs. Lewis commented that it would be great to have access to the river from the Greenway. The committee is trying to get local businesses involved as well and would like to have Town Board input as to what might be some priorities.

Mr. Fuller commented that he highly recommends not getting into the river because if you were to tip, you can't get out easily due to the sandy banks. Mr. Fuller added in regard to a potential crosswalk on Fowlerville Road, he recently encountered a bicyclist and almost had an accident due to lack of visibility.

Supervisor Deming stated that it was his understanding that in any crosswalk the pedestrian has the right of way. Mr. Geiger responded that pedestrians do have the right of way, but bicyclist do not.

Supervisor Deming added that he recently spoke with Angela Ellis about revisiting the Greigsville Traffic study, and that money may be available for improvements.

3)Heather Nagel:

Mrs. Nagel asked to speak with the Board this evening about solar funds:

Q- Does the Town have to spend all monies or can it stay in the account?

Supervisor Deming answered that we can keep the monies in the account as long as we need to.

Q- Can you use the money to reduce the tax levy?

Supervisor Deming replied we are able to utilize funds to reduce the tax levy if that is the route the Board wants to proceed with.

Q- Was the \$75,000 for salt shed used?

Supervisor Deming stated the salt shed monies was a SAM grant that we received and CPL is currently preparing engineering for the building.

Q- Who will be having the discussions on where to spend the money?

Supervisor Deming replied that he did bring this up at our budget hearing last year but ultimately the Town Board will render that decision.

Q-Perhaps use the money toward the York Historical Society Property?

Supervisor Deming stated that many residents have conveyed that they would like to see a park in town, maybe the Town could assist on that property to use as a park.

Q- To date, just the Board members have had ideas or conversations on use of the money?

Supervisor Deming answered that not many conversations have taken place outside of actual board meetings and added that most of the grants from the state have matching

funds.

4)Henry Fuller:

Mr. Fuller addressed with the Board two topics; Computer and Grants:

Comment: Mr. Fuller stated that he had a suggestion pertaining to the Recycling Center. Maybe the Town should have a computer on site to generate double receipts; one for the customer and one for the town in order to have a better record of accounting purposes. With this method, you would know how much money came in and not have the opportunity for theft.

Q- Grants are out there, why do we keep fishing for grants and then try to figure out a project?

Supervisor Deming asked Mr. Fuller to explain further or give an example.

Mr. Fuller commented that he means the Salt Shed.

Q- Why did we put on a new roof (salt shed), if we are building a new one?

Councilman Smith replied that in order to continue to utilize the existing shed for other purposes, a new roof was necessary. The new building will store all of our salt needs.

Comment: The Town needs to look a little deeper before going forward with projects because taxpayers have to pay for it.

5)Kirk Richenberg:

Mr. Richenberg asked questions pertaining to Anderson Rd. Water and the new salt storage shed:

Q- Last month the Town Board approved the amendment with the engineers, what did that cover?

Supervisor Deming replied that it covered expenses from the Anderson Rd. Water project for the additional design & permits for the (3) change orders.

Q- At the November 2021 meeting, the Town Board approved a “wish list” with the remaining \$85,000 grant funds from the Anderson Rd. project, with the additional bills getting approved, it leaves \$700, where do you come up with your figures?

Supervisor Deming answered that all documentation comes from Municipal Solutions, Rural Development and CPL, the engineers.

Q-Money for last month's bills for Anderson Rd. have already been taken out?

The Supervisor replied that they have.

Q- After doing the calculations, the numbers are not correct?

Supervisor Deming stated that items listed are from Rural Development and CPL, which they have the most current figures to work from. Mr. Deming added that he has a copy of these numbers in front of him.

Q- Who does the communication between the Town and Rural Development?
Supervisor Deming replied some documents go through the Town, Municipal Solutions and Engineers for Rural Development. Grant management is through Municipal Solutions.

Q- Why was there an Auditor?

Supervisor Deming answered that Rural Development requires an audit as a condition of obtaining grant funding.

Q- The approved \$28,900 for engineering went from \$191,000 to - \$220,000?

Supervisor Deming stated that the original amount was \$191,300 but with three change orders the amended amount totaled \$222,200.

Comment: Numbers do not seem to match up, huge percentage jumps.

Q- For the salt storage engineering approved last month, why was this necessary?

Highway Supt. Mr. Worden replied that we need to know the soil make up before the project is underway in order to determine any potential excavation issues prior to design.

Q- Was there geotechnical work done?

Mr. Worden answered that geotechnical study is part of the engineering services approved last month and is important information for the design of our building.

Q- Have we viewed other salt storage facilities? What about longevity?

Mr. Worden stated he has viewed others and our goal is to get our entire contracted 1600 ton all at once rather than having to haul it 3-4 different times. We lose (leach salt) if not covered.

Comment: Maybe we need to have competitive bids for engineering.

Q- Do you know the square footage of the building?

Mr. Worden replied we would like to be able to hold 2,000 ton.

HIGHWAY:

Mr. Worden reported the following for the Highway Department:

- Conducting patching of roadways
- Ditching
- Maintenance to trucks; the oldest truck, the 2004 Sterling needs a bit of work which will be taken care of
- Recently spoke w/vendors regarding prices for new trucks. They are 2 years out at this time and pricing is outrageous, in the range of \$220,000-250,000

WATER/SEWER REPORT:

Mr. Worden reported the following for the Water & Sewer Department:

- We experienced a water break this afternoon in Piffard between Center St. & North Road in a cross lot. Mr. Worden commented ductile iron does not work in this township
- THM reads are in the 50's
- Water meters have been read for the April billing cycle; they will be mailed out the last week in March.
- Blue Heron Construction started on Piffard Circle; they capped 1 main to lay pipe tomorrow.
- Dow Road bridge over Bidwell's Creek will be closed on March 21st for a County High project. The bridge will be closed for 3 months.

NEW BUSINESS:

1)Town Hall Bid Awards:

Supervisor Deming reported that the bid opening for construction of court offices and HVAC work took place on February 9th. We received three bids for the construction portion (Contract 1) and two bids for the HVAC work (Contract 2).

Contract #1: RB Brock Construction	\$17,318.00
Whitney East, Inc.	\$27,515.00
CP Ward, Inc.	\$32,886.00
Contract #2: LMC Industrial Contractor Inc.	\$33,658.00
Don Fox heating & Cooling, LLC	\$22,300.00

After review of the bids, CPL recommends awarding approval to apparent low bidders for both projects, as they have submitted all appropriate forms and fulfilled all bidding requirements.

RESOLUTION offered by Mr. Rose and seconded by Mr. Smith to approve Contract #1 to RB Brock Construction in the amount of \$17, 318.00 and Contract #2 to Don Fox Heating and Cooling, LLC in the amount of \$22,300.00. Voted on and approved, Yes-4, No-0.

OTHER:

Attorney Campbell informed the Board that he has been working with Livingston County Planning regarding corrections and changes with their map. They are close to completion for the updates from 2017- present. Mr. Campbell stated once the County draft has been completed, he will be working on Local Law paperwork.

ADJOURNMENT:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to adjourn the Town Board Meeting until April 12th. Voted on and approved, Yes-4, No-0.

Town Board meeting closed at 8:44 p.m.

Respectfully Submitted,
Christine Harris
Christine M. Harris, Clerk