

**MINUTES OF THE TOWN OF FORT EDWARD PLANNING BOARD MEETING
HELD ON WEDNESDAY, JULY 12, 2023 AT TOWN HALL COMMENCING AT 7:00
P.M.**

Acting Chair Valerie Ingersoll called the meeting to order at 7:00pm

Pledge of Allegiance

PRESENT: Valerie Ingersoll
Joseph McMurray
Max Fruchter
Dolores Cogan

ABSENT: Zachary Middleton
Mark Belden
Donald Sanders, Jr

OTHERS PRESENT: Evan Callahan, Mitch Quine, Town Engineer Chris Koenig, Town Attorney Bill Nikas and Planning Board Clerk Aimee Mahoney

APPROVAL OF MINUTES: MOTION by Max Fruchter, Seconded by Dolores Cogan to approve the minutes of the meeting of June 14, 2023 **ALL AYES**

BUSINESS:

**CS Energy
Somers Solar Project**

Evan Callahan: Following our last meeting we had a few items to address which were decommissioning and view shed. We are here tonight to present that and hopefully set a public hearing to keep the process moving forward. We are submitting the Decommissioning Agreement as well as the Decommissioning Cost Estimate and Plan. The Decommissioning Agreement has been revised since the last time it was submitted; based on our conversation last time we were asked to update the decommissioning estimate and that language is included in section 1. The other piece of information is included in section 9 of the agreement which grants the Town \$5,000.00 to hire a 3rd party Engineer to review the decommissioning and make sure it is in compliance with the decommissioning plan. There is a \$5,000.00 payment that is included in the Decommissioning Agreement. We had Tetra Tech perform a cost analysis like we did for Dolan for decommissioning and it came out to \$749,613.35 and accounting for 2% inflation every year the bond amount comes out to \$1,205,707.00. The last piece that we brought is the view shed documents. The Board requested pictures at the last meeting so we have prepared an expanded view shed analysis for the Board's review. (Evan went through the pictures with the Board, analysis on file).

BOARD COMMENTS:

Max Fruchter: This is some of the finest work that has been submitted to us, great job.

Joe McMurray: What is the closest proximity to any road?

Evan Callahan: We are at least 100' off all roads.

Valerie Ingersoll: How far off the road will you be planting the trees? Is there a chance they will interfere with any power lines causing the Town to have to limb them at all?

Mitch Quine: They will be on the other side of the right of way which will put them back out of any power lines.

Valerie Ingersoll: How much traffic is out there now?

Max Fruchter: Very little.

Chris Koenig: Can you be more specific on the panel height instead of just max 20'?

Mitch Quine: Yes, we can look at that, 12'-16' is more likely.

Chris Koenig:

- The A3 location on Hunter Rd. for the Board's information; the road is elevated above the project so any trees planted will not screen the project until they reach 20' in height. The trees will give more of a landscaped effect to soften the visual impact but will not act as a screen.
- Have you spoken with whoever lives in that residence on Hunter Rd. because they will be looking directly into the project area?

Mitch Quine: Yes we spoke with them at the beginning.

Chris Koenig:

- We are reviewing the landscaping and visual impacts before submitting a comment memo to the Board.
- Why Norway Spruce? Is that just what you normally use for screening?

Evan Callahan: We are open to suggestion as far as the type of trees; we are talking with John Rieger who is putting us in contact with a forester.

Chris Koenig: As far as the scrap credit that is listed in the estimate, I would suggest not including that due to it being such a large offset and not knowing if it will even be worth anything as time goes on.

Mitch Quine: For now it is a significant part of the estimate but going forward it could change or go away completely. We are open to discussion on that to hopefully find a middle ground that works.

Chris Koenig: Can you clarify the surety amounts for decommissioning; primarily why it is only \$48,228.00 in year 1?

Mitch Quine: That is because we have a 20 year NYSERDA contract which is bankable revenue from the State and the value of the bond steps up over time as risk increases.

Valerie Ingersoll: Have you planted in clay before?

Mitch Quine: Yes and we are also working with Mr. Rieger on that.

Chris Koenig: As far as the screening on Duer Rd., are you planting on the road as well as the fence line?

Mitch Quine: No, Don Sanders asked that we not plant along the road in case of future subdivision and if we planted along the road we wouldn't plant along the fence line as well.

Dolores Cogan: Where are the construction access points?

Mitch Quine: We will have 2 access points off of Hunter Rd.

Attorney Nikas: Can you give a general overview of what decommissioning entails?

Mitch Quine: Removal of all above ground and below ground components of the system to the point of interconnection including racking, panels, inverters, pads, conductors, any cable conduit less than 4 feet deep and restoring to a meadow condition.

Attorney Nikas: You are estimating that will cost \$1,205,707 after 25 years?

Mitch Quine: Yes

Attorney Nikas: Then why after 1 year are you only estimating \$48,228.00?

Mitch Quine: Because there is low risk of failure in year 1.

Attorney Nikas: What if you go bankrupt in year 1 and the Town has \$48,228.00 to pay for something that you estimate would cost \$749,613 to complete. Year 1 should be the full \$749,613.00. Would that be a significant ask?

Mitch Quine: Yes, but I can look into it further and see if we can come to an agreed upon number.

Attorney Nikas: Exhibit A1 of the decommissioning performance bond has a bold, capitalized paragraph that states: "Any extensions or renewals of the referenced agreement shall be covered under this bond only when consented to in writing by the surety." I would like to change that language; the surety shouldn't have that much power. I would suggest adding a paragraph stating that if there is not enough in the bond then the owner needs to pay the balance.

Mitch Quine: The owner may not be around if the Town has to call the bond.

Valerie Ingersoll: Do you sell these projects to the same people or is it random?

Mitch Quine: We try to do repeat business but it is not always the case.

Dolores Cogan: Ownership could change hands several times over the life of the project.

Chris Koenig: We discussed vegetative screening surety at the last meeting. What is the enforcement if that doesn't happen?

Mitch Quine: The threat of decommissioning is usually enough to get that done but there is also an operations and maintenance agreement that has to be followed.

Chris Koenig: Maybe add a part c. to paragraph 2 of the Decommissioning Agreement stating that decommissioning may commence if the project defaults on the Site Plan.

MOTION by Max Fruchter, Seconded by Joe McMurray to set a public hearing on August 9, 2023 at 7:05pm **ALL AYES**

Dolan Solar Update:

Mitch Quine: We received an extension for Dolan back in September of 2022. We hope to start construction this winter however, 1 or 2 landowners may not extend and we may need to shift the project around which would require a site plan/SEQR amendment. If we have to reconfigure we would move 45 acres on Cary Rd. down closer to Patterson Rd. We would like to know the process for that in case we have to change the layout.

Chris Koenig: You have conditional approval now so if there are changes made you would need either a consistency determination for SEQR or just redo it. As far as the site plan you would have to go through an amendment per the Town Code guidelines.

Mitch Quine: We should know by the end of the month.

Evan Callahan: We are proposing a 6' Ag. fence with barbed wire 1' above that for Somers. Dolan has an 8' Ag. fence with no barbed wire. We would like to get the Board's thoughts on the proposed fencing for Somers.

Attorney Nikas: Do you have a lot of vandals getting into these project sites.

Mitch Quine: Not once it is built completely but yes we have had some during construction.

Attorney Nikas: Deer get hung up in barbed wire; why barbed wire if no vandals?

Chris Koenig: I would agree, I think a 7' or 8' Ag. Fence would be better for that area with no barbed wire.

Board: 7' Ag. fence with no barbed wire.

Evan Callahan: Do you want a memo for how we are planning to do construction in the wetland?

Chris Koenig: As long as it is on the plans that will be sufficient.

Chris Koenig gave an update on the Blodgett Rd. Site (Fort Edward Community Solar):

- I met with Jason Dell at the project site which is a wide open field on Blodgett Rd. They have to build a separate access road next to National Grid's existing access. They have made the project smaller as well as changed from fixed tilt panels to tracker panels. They plan to block the visibility from Blodgett Rd. Ext. with trees.

ADJOURNMENT:

MOTION by Max Fruchter, Seconded by Joe McMurray to adjourn the meeting at 8:38pm **ALL AYES**

Dated: July 17, 2023

Aimee Mahoney, Clerk