

REGULAR TOWN BOARD MEETING
November 10, 2022

A public hearing and the regular board meeting were held on November 10, 2022 at the Burke Town Court House. Supervisor Bill Wood called the public hearing to order at 6:05 p.m.

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|------------|--------------------|-----------------------|
| Roll Call: | Councilman: | Arnold Lobdell (late) |
| | | Tim Crippen |
| | | Jim Otis |
| | | Paddy Wheeler |
| | Supervisor: | Bill Wood |
| | Supt. of Highways: | Larry LaPlante |
| | Town Clerk: | Judy Tavernier |
| | Bookkeeper: | Linda Trudell |
| | Code Officer: | Jim Dumont |

Tim Crippen made the motion to open the public hearing on the Preliminary Budget for 2023. Jim Otis seconded. Roll Call: Jim - aye, Tim - aye, Paddy - aye, Bill - aye, Arnold - absent. There were no public comments at this time and Jim Otis made the motion to close the public hearing at 6:06 p.m. Tim Crippen seconded. Roll Call: Jim - aye, Tim - aye, Paddy - aye, Bill - aye, Arnold - absent.

The Pledge of Allegiance to the Flag was said. A moment of silence was held in memory of past Highway Superintendent Leo Ashline.

The Regular Meeting of the Burke Town Board was held immediately following the public hearing. This Regular Meeting is being voice recorded by the Burke Town Clerk, Judy Tavernier as always.

Minutes of the October 11, 2022 regular meeting and two public hearings were read. A motion to accept the minutes was made by Tim Crippen and seconded by Paddy Wheeler.

Roll Call: Arnold - aye, Jim - aye, Tim - aye, Paddy - aye and Bill - aye.

Minutes of the October 18, 2022 work session for the budget were read and accepted on a motion by Jim Otis and seconded by Tim Crippen.

Roll Call: Arnold - aye, Jim - aye, Tim - aye, Paddy - aye and Bill - aye.

Minutes of the October 26, 2022 budget work session were read and accepted on a motion by Jim Otis and seconded by Tim Crippen. Roll Call: Arnold - aye, Jim - aye, Tim - aye, Paddy - aye and Bill - aye.

There were no public comments.

New Business:

A. Preliminary Budget was reviewed and a motion to accept as Final Budget made by Tim Crippen and seconded by Arnold Lobdell. Roll Call: Arnold Lobdell - aye, Jim Otis - aye, Tim Crippen - aye, Paddy Wheeler - aye, Bill Wood - aye. Supervisor Bill Wood thanked everyone for time and effort expended to complete the budget.

B. Barton Pitts from Nexamp gave an update on the Burke Solar Project, noting the bird situation had been resolved and completion is expected by next Fall. It was noted that Bill Wood has reached an agreement with Nexamp for some additional property next to the Burke Solar Project and will recuse himself from votes pertaining to this project. Tim Crippen, Deputy Supervisor will be in handling the paperwork. Tim Crippen made a motion to accept **Resolution # 15** for 18-month extension, Host Community Agreement, Decommissioning Agreement and Bond, Escrow Agreement, and Landscaping Bond for the Burke Solar Project. Paddy Wheeler seconded the motion. Roll Call: Arnold Lobdell - aye, Jim Otis - aye, Tim Crippen - aye, Paddy Wheeler - aye, Bill Wood - abstain.

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- C. Jim Otis made the motion to accept **Resolution #16** for an 18-month extension for the Glengarry Solar Project. Tim Crippen seconded.
Roll Call: Arnold Lobdell - aye, Jim Otis - aye, Tim Crippen - aye, Paddy Wheeler - aye, Bill Wood - aye.
- D. Brookside Solar has applied for a special Use Permit. Plans are to construct in 2024 and finish by 2025. Terra-Gen update – Meeting anticipated for 12/10/2022 to update the public on status.

Old Business:

- A. ARPA Projects: Alarms are scheduled to be installed. Court system does work but is not currently being used. No news from John Carr. Waiting for an updated price for doors.

Highway committee report – Discussed purchase of road widener as a joint venture with other towns. This does not qualify for CHIPS funding and decision was made to table for now. Also tabled purchase of new pickup.

Larry LaPlante gave the highway superintendent report: Noted that '06 pickup is getting old and should be replaced. Work continuing on road sides. Culvert put in on Trout River Road. Clean up done after trees were cut on Stacy Road. Gasket, brakes, and tires put on '04 Mack. '18 Volvo windshield and tires replaced. JD mower repair of cable and hydraulic valve. Dozer needed hydraulic work and rotor.

Code Officers Report - \$235 income. Jim Otis made the motion to accept the report. Paddy Wheeler seconded. Roll Call: Arnold Lobdell - aye, Jim Otis - aye, Tim Crippen - aye, Paddy Wheeler - aye, Bill Wood - aye.

Financial Report was reviewed. Questions regarding fuel expense and ARPA money were discussed. Arnold Lobdell motioned to move ARPA funds to a separate account and accept the financial report. Motion was seconded by Jim Otis. Roll Call: Arnold Lobdell - aye, Jim Otis - aye, Tim Crippen - aye, Paddy Wheeler - aye, Bill Wood - aye.

Bank reconciliation reports were reviewed and on a motion by Arnold Lobdell and seconded by Paddy Wheeler, approved. Roll Call: Arnold Lobdell - aye, Jim Otis - aye, Tim Crippen - aye, Paddy Wheeler - aye, Bill Wood - aye.

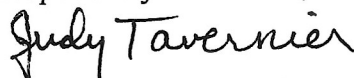
NYSLRS will be contacted to determine the next step for the retirement plan.

No Public Comments were made.

Bills were paid.

A motion to adjourn at 7:40 P.M. was made by Tim Crippen and seconded by Jim Otis. Roll Call: Arnold Lobdell - aye, Jim Otis - aye, Tim Crippen - aye, Paddy Wheeler - aye, Bill Wood - aye.

Respectfully submitted,



Judy Tavernier, Town Clerk

Recorded by, Judy Tavernier, Town Clerk

Enclosures:

- Resolution #15 – Burke Solar Project**
Resolution #16 – Glengarry Solar Project

TOWN OF BURKE TOWN BOARD

Resolution # 15 of 2022

Resolution Extending Special Use Permit for Burke Solar, LLC and Approving Certain Agreements

November 10, 2022

WHEREAS, Nexamp, Inc. ("Applicant") proposes to construct a five (5) megawatt community solar power generation facility ("Facility") on 18.75 acres of a 44.31-acre lot owned by Robert and Joan Johnston ("Owner") located at 5700 State Route 11, Burke, New York (Tax ID:59.-4-14.100) ("Property"); and

WHEREAS, the proposed Facility will be operated by Burke Solar, LLC ("Operator") who will enter into a lease with the Owner for use of the Property as a solar facility; and

WHEREAS, pursuant to the provisions of the Town of Burke Solar Energy Local Law ("Solar Law"), the proposed Facility is a "Tier 3 Solar Energy System" subject to site plan review and approval and the issuance of a special use permit by the Town of Burke Town Board ("Town Board"); and

WHEREAS, on or about March 10, 2021, by resolution #8 of 2021, the Town Board a Special Use Permit (the "Special Use Permit") for this project subject to certain stated conditions; and

WHEREAS, pursuant to Section 7(vi)(1) of the Solar Law, special use permits are only valid for 18 months after the date that they were issued; and

WHEREAS, the Applicant has been delayed in pursuing this project by reason of the time that it is taken to obtain an incidental take permit under the Endangered Species Act relative to potential impacts to the Northern Harrier, which was granted by the New York State Department of Environmental Conservation on or about September 12, 2022; and

WHEREAS, the Applicant has requested an 18 month extension of the Special Use Permit, and has negotiated with representatives of the Town concerning certain documents that are required by the Special Use Permit or otherwise, to wit: (1) a Host Community Agreement; (2) a Decommissioning Agreement; (3) a Decommissioning Bond; (4) an Escrow Agreement; and (5) a Landscaping Bond to cover the costs of landscaping improvements required by the Special Use Permit.

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby approves the requested extension of the Special Use Permit to and including March 12, 2024, subject to a condition precedent that the Applicant execute all of the documents and agreements approved by this Resolution; and

BE IT FURTHER RESOLVED the Town Board hereby approves the following agreements and authorizes the Deputy Superintendent to execute the same on behalf of the Town, with execution by the Applicant as a condition precedent to the extension of the Special Use Permit as provided in this resolution:

- (1) A Host Community Agreement, dated November 10, 2022, a true copy of which is annexed hereto and incorporated herewith as Exhibit "A;" and
- (2) A Decommissioning Agreement dated November 10, 2022, a true copy of which is annexed hereto and incorporated as Exhibit "B;" and

- (3) An Escrow Agreement dated November 10, 2022, a true copy of which is annexed hereto and incorporated herewith as Exhibit "C;" and
- (4) The form of the Bond required pursuant to the Decommissioning Agreement, a true copy of which is annexed hereto and incorporated herewith as Exhibit "D;" and
- (5) The form of a Landscaping Bond, a true copy of which is annexed hereto and incorporated herewith as Exhibit "E."

BE IT FURTHER RESOLVED that all agreements and documents approved by this Resolution shall be executed and filed with the Town Clerk prior to the extended Special Use Permit becoming effective and all conditions set forth in the Special Use Permit shall remain in full force and effect.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be filed in the office of the Town of Burke Town Clerk within five (5) days of the date of this Resolution, and shall be mailed to the Applicant within the same five (5) day period.

The foregoing resolution was voted upon with members of the Town Board voting and signing as follows:

| | <u>Yes</u> | <u>No</u> | <u>Abstain/Absent</u> | <u>Signature</u> |
|--------------------------------------|------------|-----------|-----------------------|------------------------|
| Timothy Crippen Deputy Supervisor | <u>X</u> | _____ | _____ | <u>Timothy Crippen</u> |
| Arnold Lobdell | <u>X</u> | _____ | _____ | <u>Arnold Lobdell</u> |
| James Otis | <u>X</u> | _____ | _____ | <u>James Otis</u> |
| William Wood | _____ | _____ | <u>X</u> | <u>William Wood</u> |
| Paddy Wheeler | <u>X</u> | _____ | _____ | <u>Paddy Wheeler</u> |

Dated: November 10, 2022
Burke, New York

Timothy Crippen
Timothy Crippen, Deputy Supervisor
Town of Burke Town Board

PROPOSED RESOLUTION # 16 - 2022

The Town Board of the Town of Burke, County of Franklin, and State of New York having met in a regular meeting at the Burke Town Courthouse in the Town of Burke on the 10th day of November at 6:00 P.M. in the year 2022.

The following resolution was moved, seconded and passed.

The motion was made by Jim Otis and seconded by Tim Crippen.

Roll Call: Arnold Lobdell - aye, Jim Otis - aye, Tim Crippen - aye, Paddy Wheeler - aye, Bill Wood - aye

WHEREAS: The Town of Burke has determined to approve an extension of 18 months to AES Clean Energy for the pending Glengarry Farms Solar project.

I, JUDY TAVERNIER, TOWN CLERK OF BURKE, COUNTY OF FRANKLIN, STATE OF NEW YORK, DO HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS ADOPTED BY THE BURKE TOWN BOARD ON THE 10TH DAY OF NOVEMBER 2022, AND THAT THE SAME IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD IN MY OFFICE AND OF THE WHOLE THEREOF.

IN WITNESS WHEREOF, I
HAVE SET MY HAND AND
SEAL THIS 10TH DAY OF
NOVEMBER 2022.



JUDY TAVERNIER
BURKE TOWN CLERK