

**TOWN OF CANAJOHARIE  
MONTGOMERY COUNTY**

**May 21, 2019**

The Town Council met for a special meeting to discuss proposed amendment of Resolution #5 of 2019 which set commercial solar building permit fees at the Town Hall building, 12 Mitchell Street, Canajoharie, New York.

**Present:** Supervisor Peter Vroman, Councilpersons: William Armitstead, John Toomey, Jr., Rodney Young, John Peruzzi, Sr.; Bookkeeper Amy Kretser; Scott McDonald in gallery

The meeting was opened by the Supervisor at 7:30pm, and the evening's agenda was presented

On a **motion** by Supervisor Vroman, **seconded** by Councilman Toomey, the **agenda** was **unanimously approved**

**Public Comment-** Scott McDonald, representative for AvanGrid [Mohawk Solar project]; Requests the Town Board clarify Resolution #5 of 2019 ie: what are the acreage boundaries for the fee of \$250.00 per acre, as the company proposing the acreage boundary to be determined within the fenced area for the array and the access roads within and outside the fenced area, and the substation/switchyard and O&M buildings

-Councilman Armitstead asks if any of the acreage outside of the fence is being used for the project and to clarify what that use is, as he is concerned with the farmers' access and use of the 200' setbacks; He also asks about underground cables

-Mr. McDonald explains that there will be acreage used for vegetative screening, underground cables, and access roads outside of the fenced array areas; The company views the building components of the project are separate from the requirements in the Town's solar law ie: vegetative screening

-Councilman Armitstead does not agree that the commercial solar fees should be changed; he opines that the company should pay for any acreage they plan on using for the construction of the entire project including underground cables, vegetation, etc.

-Councilman Peruzzi would like clarification that once all of the environmental studies are completed, the area of acreage that is going to be used for the construction of the project will be reduced—Mr. McDonald confirms that the acreage area would be reduced

-Councilman Young refers to a prior conversation with Mr. McDonald's colleague, Joe Green, that there is a plan to give back acreage not used for the construction of the project back to the landowners—Mr. McDonald confirms that the land would be able to be used by the landowners

-Mr. McDonald indicates the company is planning on presenting the applications to the Town on June 11th

**7:50pm- Motion to Enter Executive Session** by Councilman Peruzzi, **seconded** by Supervisor Vroman, **all in favor, unanimous ayes**

**8:25pm-Motion to Exit Executive Session** by Councilman Armitstead, **seconded** by Councilman Toomey, **all in favor unanimous ayes**

Councilman Armitstead asks the Town Clerk to read the revised proposed Resolution #14, which includes the addition of acreage used for vegetative screening

-Mr. McDonald questions what is exactly the footprint of the vegetative screening the Town Board is requesting

-Councilman Young explains that wherever there is vegetation screening being planted, that acreage should also be included to determine calculation of the total acreage being used by the solar company to build the project; Councilman Young further explains where there is screening to be planted, that land can no longer be used by the landowner

-Mr. McDonald disagrees that the vegetative screening acreage should be used to determine the building permit fees as the company's opinion is that since the Town is requiring vegetative screening in the Town's local law, it is a separate component from the construction of the project

Town Board and Mr. McDonald further discusses the issue of including vegetative screening acreage in the calculation of building fees; Board requests Mr. McDonald give an estimate on how many additional acres the screening would be

8:30pm-Meeting recesses while Mr. McDonald reviews Board's request

8:40pm-Mr. McDonald returns and explains to the Board that the amount of the acreage will not be an insignificant amount

-The Board and Mr. McDonald further discuss the boundaries of the fences in relation to the vegetative screening, set-backs, etc.

-Councilman Armistead restates his opinion that what the acreage the solar company is tying up in the project should be paid for

-Councilman Young reiterates that the land used for the vegetative screening will not be able to be used by the landowners

-Mr. McDonald requests that the Town consider eliminating the following clause: "And in addition thereto, the applicant shall reimburse the Town for all costs and professional services, including but not limited to: engineering and legal fees incurred by the Town associated with the application, permit, or review as deemed necessary by the Town"

- Discussion follows between the Board and Mr. McDonald: regarding the fees described in the clause, the fees that would be received by the Town and how the fees would be sufficient to pay any engineering and/or legal fees incurred by the Town, and intervenor funding

**9:04pm- Motion to Enter Executive Session** by Supervisor Vroman, **seconded** by Councilman Peruzzi, **all in favor, unanimous ayes**

**9:13pm-Motion to Exit Executive Session** by Supervisor Vroman, **seconded** by Councilman Toomey, **all in favor unanimous ayes**

RESOLUTION #14 OF 2019  
Amending Resolution #5 of 2019  
Which Set Fees for Solar Facilities in the Town of Canajoharie

Sponsor: Supervisor Peter Vroman  
Second: Councilman William Armitstead

WHEREAS, Resolution #5 of 2019 set building permit application fees for both Commercial and Residential Solar projects within the Town of Canajoharie,

WHEREAS, the Town Board has determined it advisable to amend the building permit application fees only as to Commercial Solar projects proposed within the Town of Canajoharie,

NOW THEREFORE BE IT RESOLVED, that the fees established by Resolution #5 of 2019 are hereby amended as follows:

the fee for Commercial Solar projects shall be \$250.00 per fenced in acreage for each parcel leased under contract by the commercial solar company during the project in the Town; Also applicable will be acreage within and/or outside of the fenced areas used for access roads, acreage used for the construction of operation and/or maintenance buildings, as well as acreage used for vegetative screening,

and be it further,

RESOLVED, that the fees for Residential Solar projects in the Town shall remain in effect as stated in Resolution #5 of 2019.

FURTHER RESOLVED, that said fee structure shall take effect upon approval of the Town of Canajoharie Town Board.

<u>VOTING:</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Supervisor Peter Vroman	X		
Councilman William Armitstead	X		
Councilman John Toomey, Jr.	X		
Councilman Rodney Young	X		
Councilman John Peruzzi, Sr.	X		

Laurie M. Vroman  
Town Clerk  
May 21, 2019

The Board reminds Mr. McDonald that per the Town's solar law, redacted copies of each lease is required to be submitted with the permit application; Mr. McDonald agrees

**Adjournment**

On a **motion** by Supervisor Vroman, **seconded** by Councilman Armitstead, all in favor, ayes, the meeting was adjourned at 9:16PM.

Respectfully submitted,

Laurie M. Vroman, Town Clerk