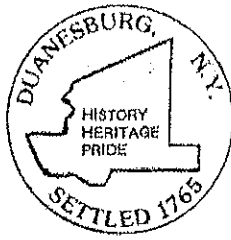


Roger Tidball, Town Supervisor
Jennifer Howe, Town Clerk
Brandy Fall, Deputy Town Clerk
William Reed, Highway Superintendent



John D. Ganther, Council Member
Charles Leoni, Council Member
Francis R. Potter, Council Member
Jeffrey Senecal, Council Member

Thursday September 12, 2019
Regular Town Board Meeting
Meeting Time: 7:00PM

Meeting called to order by Supervisor Tidball at 7:00PM

Present: Supervisor Tidball, Council Members Potter, Ganther, Leoni & Senecal, Town Clerk Jennifer Howe, Town Attorney Teresa Bakner, Highway Superintendent Reed

Absent:

Pledge of Allegiance

Resolution 112-19: Council Member Potter motioned, seconded by Council Member Leoni to approve the Town Board Meeting minutes of Thursday, August 22, 2019.

Motion carried, 3 ayes Council Members Ganther and Leoni abstained

Resolution 113-19: Council Member Potter motioned, seconded by Council Member Ganther to pay the following claims:

Motion carried, 5 ayes

Vouchers to be Paid

September 12, 2019

General Fund: #249-263	\$28,829.94
SD#1: #118-123	\$3,105.92
SD#2: #129-136	\$3,196.96
SD#3: #87-92	\$887.56
In-House #12	\$59.76
Highway: #147-155	\$59,695.64
<hr/>	
Total Vouchers to be Paid=	\$95,775.78

Highway: Highway Superintendent Reed stated that we have finished up with the capital improvement projects on Mudge and VanPatten Roads. We should be done mowing by the middle of next week. Will be giving the dirt roads attention and getting ready for winter. Council Member Ganther added that he met with the Duane Lake Association Board and they brought up an ongoing issue of a blocked culvert. Council Member Ganther informed them that if they should request a meeting with Superintendent Reed and Town Board to discuss the issues.

Public Safety: Council Member Leoni reported that there was a Fire Officer's Meeting. The new radio system bylaws are in the process of being finalized. October 6th is the Delanson breakfast, October 13th is the Open House Breakfast at Duanesburg, October 19th is the Esperance Open House, October 19th is the Chicken BBQ in Burtonsville and on November 3rd Pine Grove has a pancake breakfast. Plotterkill has a new UTV and brush fire equipment. DVAC and Esperance are working on a mutual aid plan.

Parks: Council Member Leoni reported that there is still a need for a water tank at the point. Dale is working on ordering one that should work for them. Mrs. Frisbee will be putting together the billing information for Princetown and the county. The park committee is looking into possible upgrades to the tennis courts at Shafer Park and a jungle gym at Van Patten Mill Park. The park committee is looking for new members and asked if we could put something on the website and Facebook page to advertise. Supervisor Tidball asked Council Member Leoni to put an ad together for the Town Clerk to put up on the website.

Sewer District #1, 2 & 3: Council Member Ganther reported that the team had a pretty routine month. Most of it was just grinder pump maintenance and plant maintenance. There was one significant thing; there was a pipe that fed into the S. Shore road pump station that they found was broken. With the camera that was purchased in the past year they were able to finally locate the break that was causing all the flow issues. As of July 29th, pump two ran for 287 minutes, August 21 it ran for 247 minutes and then on August 23rd after they fixed the pipe it only ran for 19 minutes. John Ganther met with the Duane Lake Board and one of the things that was brought up was apparently under the NYS Clean Water Infrastructure Act there is a Septic Tank Replacement Program. If folks qualify, they can by living on a lake where they rely on that body of water for their drinking water then potentially, they could receive up to 50% funding up to \$10,000 to replace their tank. Alan Knight the chair of the association has been working to try and see if they qualify for the funding. There is a couple of issues that he asked us to follow up on; for one the county has to enroll in order for anyone in the county to apply and so far Schenectady county has not chosen to enroll in the program and secondly they need to figure out whether or not they meet the criteria. There a question if there is a requirement that the lake be open to the public to qualify for this program. Council Member Ganther also informed Mr. Knight that we are still working on trying to get grant money to help with the water treatment up on Duane Lake.

Technology: Council Member Ganther reported that we have finally completed the transition to Microsoft email. All town board members should have a town email address. Council Member Ganther will start that process and it will be an additional \$6 per month per person. The Broadband Committee has a meeting on October 9th @ 6:30 here at Town Hall. On September 17th Annabelle Felton will be attending a joint public hearing about rural broadband. Its going to be held the Legislature Commission on Rural Resources and the Albany Committee on Local Governments.

Business Meeting:

Resolution 114-19: Council Member eo motioned, seconded by Council Member Senecal to approve addendum to original contract with BST.
Motion carried, 5 ayes

Resolution 115-19: Council Member Senecal motioned, seconded by Council Member Ganther to authorize the electronic delivery of a proposed local law to the members of the Town Board.
Motion carried, 5 ayes

Resolution 116-19: Council Member Potter motioned, seconded by Council Member Ganther to reappoint Michael McGuire as Town Assessor for a term expiring on September 30, 2025.
Motion carried, 5 ayes

Resolution 117-19: Council Member Ganther motioned, seconded by Council Member Leoni to set a public hearing for the purpose of hearing all persons interested in the matter of: The Assessment Roll for the Town of Duanesburg/Delanson Sewer District No. 1, the Mariaville Lake Sewer District No. 2, and the Duanesburg Sewer District No. 3.
Motion carried, 3 ayes

Privilege of the Floor: Opened at 7:28 pm

Lynn Bruning of 13388 Duanesburg Road read a statement (see attached). She also provided the board with a copy of the Town of Florida's Solar Energy Law for their review (see attached).
7:37

Marion Jaqueway of 240 Ward Lane in Schoharie let us know that a group of residents in Schoharie got together and paid for a mailing to go out notifying all Schoharie town residents that a solar farm was going in, in Schoharie. She also brought up concerns about the decommission plan.
7:43

Bill Park of 301 Maranatha Way asked when the budget will be available? Supervisor Tidball responded with the Tentative should be ready on September 30th. He also asked if the audit was still going on and Supervisor Tidball responded with yes, it is still going on.
7:45

Richard Kennedy of 742 Duane Lake Road brought up concerns about the Timberland Development Corp. lot that is currently being cleared for development. His lawyer will be reaching out to Town Attorney Bakner to discuss further.
7:51

Shawn Powers of 249 Turnbull Rd. brought up concerns of the issues going on at 126 Turnbull Rd. It is getting worse by the day and night. Campers are being lived in, fires being left unattended and their actions are making residents very uncomfortable. Supervisor Tidball informed him that the property owner has been issued a court appearance on September 30th at 6pm for the violations (*Since the meeting this court date has been changed to October 7th at 6pm).
7:56

Michael Ciarfello of 357 Arquette Way as where we stood with the installation of broadband on his road. Supervisor Tidball answered with we are waiting on an estimate from a subcontractor to do the trenching. Once we have that work should begin within 30 days after signing the agreement.
7:56

Sgt. Michael Geraci of the Schenectady County Sheriff's Office spoke of how they would like to make a presence at least at one town board meeting a month in case a resident wants to bring up any concerns. He also stated that if the resident was uncomfortable bringing their concerns up in front of everyone, he would be available after the meeting as well.

7:57

Charles Parker of 483 Esperance Station Rd. was asking if there were any dates set for the budget workshops. Supervisor Tidball stated not at this time.

Floor Closed: 7:58 pm

Supervisor Tidball motioned, seconded by Council Member Leoni to go into executive session to discuss personnel matters.

Motion carried, 5 ayes

Supervisor Tidball motioned, seconded by Council Member Leoni to come out of executive session.

Motion carried, 5 ayes

Resolution 118-19: Supervisor Tidball motioned, seconded by Council Member Potter to terminate the employment of Meghan Bernstein as of September 13th.

Motion carried, 5 ayes

Resolution 119-19: Supervisor Tidball motioned, seconded by Council Member Ganther to have all town business conducted through town only email addresses.

Motion carried, 5 ayes

Resolution 120-19: Supervisor Tidball motioned, seconded by Council Member Potter to schedule two budget meetings; one on September 16th @ 6:30 and one on September 18th @ 6:30 both will be held at Town Hall, 5853 Western Turnpike, Duanesburg, NY

Motion carried, 5 ayes

Supervisor Tidball motioned, seconded by Council Member Leoni to adjourn the meeting.

Motion carried, 5 ayes

I, Jennifer Howe, Town Clerk of the Town of Duanesburg, so hereby certify that this is a true and accurate transcript of the Regular Town Board Meeting held on Thursday September 12, 2019 at the Duanesburg Town Hall, 5853 Western Turnpike, Duanesburg, New York 12056.

Resolution No. 114-19

THIS ADDENDUM is made as of this 12th day of September, 2019, by and between **BST & Co., CPAs, LLP, ("BST")** and **THE TOWN OF DUANESBURG ("Town")**.

WITNESSETH

WHEREAS, BST and the Town executed a letter agreement dated August 22, 2019 (the "Agreement"), to which this Addendum is hereby attached to and incorporated therein, whereby BST has agreed provide certain accounting and advisory services to the Town in accordance with the terms and conditions set forth therein; and

WHEREAS, BST and the Town now desire to amend certain terms and conditions set forth in the Agreement.

NOW, THEREFORE, upon the premises the parties do hereby agree that the following terms and conditions are hereby added to the Agreement, as if set forth expressly therein:

BST Insurance

BST will provide the Town with evidence of the following insurance coverage to be maintained by BST throughout the term of this Agreement:

1. - General Liability with limits of not less than \$ 1,000,000 per occurrence that by endorsement adds the Town as an Additional Insured on a Primary and Not Contributory basis with a Waiver of Subrogation
2. - Professional Liability (E&O) with a limit of not less than \$5,000,000 that by endorsement adds the Town as an Additional Insured on a Primary and Not Contributory basis with a Waiver of Subrogation
3. - Cyber Liability with be limit of \$1,000,000
4. - Crime Insurance- that includes coverage for Theft of Customer/Client Property with limits of no less than \$ 100,000, and coverage for Computer Fraud and Bank Transfer Fraud with limits of ~~one~~ ^{no} less than \$ 500,000

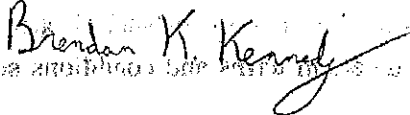
BST and the Town will review the above-reference coverages on an annual basis and agree to any adjustments reasonably required by the Town.

Except as may be otherwise expressly provided for in this Addendum, the terms, provisions, covenants, stipulations, conditions, rights, obligations and remedies set forth in the Agreement are hereby ratified, accepted, agreed to, assumed by and imposed upon the parties hereto. In the event there is a conflict between the terms of this Addendum and the terms of the Agreement, the terms of this Addendum shall control.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have caused this Addendum to be executed by their duly authorized representatives on the day and year first set forth above.

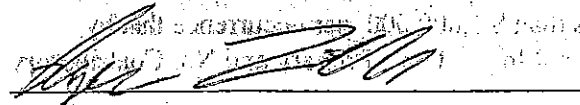
BST & Co., CPAs, LLP



By Brendan K. Kennedy

Its: Partner

TOWN OF DUANESBURG



By Roger Tidball

Its: Supervisor

RESOLUTION OF THE TOWN BOARD

RESOLUTION NO. 115-2019

September 12, 2019

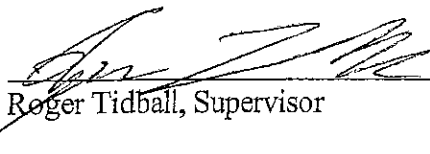
WHEREAS, pursuant to New York Municipal Home Rule Law § 20(4), the Town of Duanesburg Town Board may authorize the electronic delivery of a proposed local law to the members of the Town Board provided that (i) the Town Board has documented that each member of the Town Board has an email address, (ii) that such e-mail addresses are posted on the bulletin board of the Town Clerk, and (iii) that the Town Board has unanimously adopted a resolution authorizing such electronic delivery.

NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby acknowledges that each member of the Town Board has an email address; and

BE IT FURTHER RESOLVED, that the Town Clerk is directed to post the e-mail addresses of the members of the Town Board on the bulletin of the Town Clerk; and

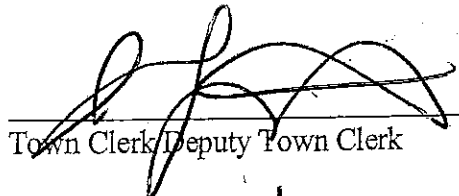
BE IT FURTHER RESOLVED, that upon such posting of the Town Board members' e-mail addresses, the Town Board is authorized to distribute a proposed local laws by means of electronic delivery as prescribed in New York Municipal Home Rule Law § 20(4).

By unanimous vote of the Town Board of the Town of Duanesburg at its regular meeting of September 12, 2019.



Roger Tidball, Supervisor

9/12/19
Date



Town Clerk/Deputy Town Clerk

9/12/2019
Date

Present: ALL
Absent:

Town Board Members:

Roger Tidball	<u>Yea</u>	Nay	Abstain
John Ganther	<u>Yea</u>	Nay	Abstain
Rick Potter	<u>Yea</u>	Nay	Abstain
Charles Leoni	<u>Yea</u>	Nay	Abstain
Jeff Senecal	<u>Yea</u>	Nay	Abstain

RESOLUTION OF THE TOWN BOARD

RESOLUTION NO. 116-2019

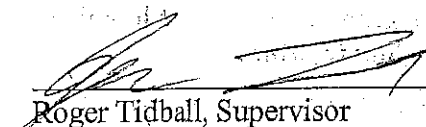
September 12, 2019

WHEREAS, the New York State Department of Taxation and Finance, Office of Real Property Tax Services has notified all towns that appointed assessor terms expire September 30, 2019 and the next term begins October 1, 2019 and ends September 30, 2025; and

WHEREAS, the current Town of Duanesburg Assessor has proven to be a vital asset to our town;

NOW, THEREFORE, BE IT RESOLVED, the Town Board reappoints Michael McGuire as Town Assessor for a term expiring on September 30, 2025.

By unanimous vote of the Town Board of the Town of Duanesburg at its regular meeting of September 12, 2019.


Roger Tidball, Supervisor


Town Clerk/Deputy Town Clerk

9/12/19
Date

9/12/2019
Date

Present: ALL

Absent:

Town Board Members:

Roger Tidball	<u>Yea</u>	Nay	Abstain
John Ganther	<u>Yea</u>	Nay	Abstain
Rick Potter	<u>Yea</u>	Nay	Abstain
Charles Leoni	<u>Yea</u>	Nay	Abstain
Jeff Senecal	<u>Yea</u>	Nay	Abstain

TOWN OF DUANESBURG TOWN BOARD

RESOLUTION

No. 117-19

September 12, 2019

WHEREAS, the Assessor to the Town of Duanesburg has completed and filed the assessment roll for the Duanesburg/Delanson Sewer District No. 1, the Mariaville Lake Sewer District No. 2, and the Duanesburg Sewer District No. 3 (the "Roll"), pursuant to Article 15 of the New York State Town Law.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Town Law § 239, the Town Board shall meet and hold a public hearing on October 10, 2019 at 7:00 p.m. at the Town of Duanesburg Town Hall, 5853 Western Turnpike, Duanesburg, New York, to hear and consider any objections which may be made to the Roll (the "Public Hearing"); and

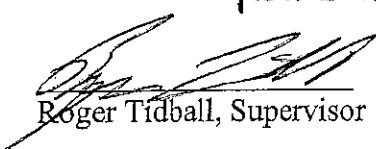
BE IT FURTHER RESOLVED, the Town Board directs the Town Clerk to publish the Notice of Public Hearing, attached hereto, in the Schenectady Daily Gazette to appear once not less than ten (10) and no more than twenty (20) days before the date of the Public Hearing; and

BE IT FURTHER RESOLVED, the Town Board directs the Town Clerk to cause the Letter Notice of Public Hearing, also attached hereto, to be mailed to each property owner not less than ten (10) and no more than twenty (20) days before the date of the Public Hearing; and

BE IT FURTHER RESOLVED, the Town Board directs the Town Clerk to cause a copy of the Notice of Public Hearing to be posted on the sign board of the Town of Duanesburg, and the Town of Duanesburg website, not less than ten (10) and no more than twenty (20) days before the date of the Public Hearing.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting on ~~October 10~~, 2019.

September 12


Roger Tidball, Supervisor


Jennifer Howe, Town Clerk

Present: ALL

Absent:

Council Members:

Roger Tidball	<u>Yea</u>	Nay	Abstain
John Ganther	<u>Yea</u>	Nay	Abstain
Rick Potter	<u>Yea</u>	Nay	Abstain
Charles Leoni	<u>Yea</u>	Nay	Abstain
Jeff Senecal	<u>Yea</u>	Nay	Abstain

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
TOWN BOARD
TOWN OF DUANESBURG

PLEASE TAKE NOTICE, that the Town Board of the Town of Duanesburg, New York, has completed the assessment roll in connection with the Duanesburg/Delanson Sewer District No. 1, the Mariaville Lake Sewer District No. 2, and the Duanesburg Sewer District No. 3 and filed the same with the Town Clerk of the Town of Duanesburg.

PLEASE TAKE FURTHER NOTICE, that the Town Board of the Town of Duanesburg, New York, will meet at the Town Offices of Duanesburg, 5853 Western Turnpike, on **Thursday, October 10, 2019 at 7:00 p.m.** for the purpose of conducting a hearing to consider any objections which may be made to said assessment roll.

BY ORDER OF THE TOWN BOARD
TOWN OF DUANESBURG

Dated: September 12, 2019

**Town of Duanesburg
5853 Western Turnpike
Duanesburg, New York 12056**

[Resident Name]

[Street Address]

Duanesburg, NY 12056

**Re: Notice of Public Hearing on Assessment Rolls of the Duanesburg/Delanson
Sewer District No. 1, the Mariaville Lake Sewer District No. 2, and the Duanesburg
Sewer District No. 3**

Dear Resident:

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Duanesburg, New York (the "Town"), has completed the assessment rolls of the Duanesburg/Delanson Sewer District No. 1, the Mariaville Lake Sewer District No. 2, and the Duanesburg Sewer District No. 3.

FURTHER NOTICE IS GIVEN, that the Town Board will meet at Town Hall, 5853 Western Turnpike, Duanesburg, New York, on **October 10, 2019, at 7:00 p.m.**, for the purpose of conducting a public hearing on said assessment rolls.

Dated: [Date of notice]
Duanesburg, New York

By Order of Town Board of the Town of Duanesburg,
County of Schenectady

Jennifer Howe
Town Clerk
Town of Duanesburg

Monthly Report August 2019

Submitted by: Dale Warner 9/4/19

Cory replaced swivel joint on backhoe control handle. 8/18/19

SD#1

Plant:

1. Cory greased blowers, preventive maintenance. 8/10/19

Collection System:

1. Cory with Blue Diamond pumped and cleaned Rt. 7 Pump Station 8/1/19
2. Cory with Blue Diamond pumped and cleaned Cole Rd. Pump Station 8/1/19
3. Cory 426 Cole Rd. Residential Grinder Pump pumped down tank need to replace capacitor 8/17/19
4. Cory 426 Cole Rd. Residential Grinder Pump pumped out tank with pumper. 8/18/19
5. Cory & Andrew 426 Cole Rd. Residential Grinder Pump pumped out tank and replaced contactor. 8/19/19

SD#2

Plant:

1. Andrew Mowed WWTP and Access Rd. 8/2/19
2. Cory greased blowers, preventive maintenance. 8/11/19
3. Andrew Mowed WWTP and Access Rd. 8/13/19
4. Cory trimmed around WWTP and Access Rd. 8/14/19
5. Andrew Changed blades on mower 8/20/19
6. Andrew mowed WWTP and Access Rd. 8/20/19
7. Andrew changed starting capacitor on Air Compressor in shop 8/20/19

Collection System:

1. Cory & Andrew dug up Shore Rd. looking for leak hit Phone Line work stopped 8/2/19
2. Cory & Andrew 7747 Mariaville Rd. residential Grinder Pump replace On Float. 8/9/19
3. Cory & Andrew 548 S Shore Rd. residential Grinder Pump replaced Off Float. 8/9/19
4. Cory 274 S Shore Rd. residential Grinder Pump replaced On Float and Alarm Float. 8/11/19
5. Cory mowed 159 & 160 Pump Station routine maintenance 8/12/19
6. Cory mowed Hilltop Pump Station routine maintenance 8/12/19
7. Cory mowed Spring Rd. Pump Station routine maintenance 8/12/19
8. Cory & Andrew 688 S Shore Rd. Residential Grinder Pump replaced On Float and Off Float- (New Wiring is needed). 8/13/19
9. Highway Dept. reported they paved over MH cover on S. Shore Rd. 8/16/19
10. Cory & Andrew worked with Tim Flower on repairs to Sewer Main near 137 Shore Rd. see photos. 8/22/19
11. Cory & Andrew 749 S Shore Rd. Residential Grinder Pump replaced starter Capacitor. 8/28/19

12. Cory 137 Shore Rd. restore driveway with stone to complete restoration. 8/29/19

SD#3

Collection System:

1. Cory-Mowed and trimmed Fire house Pump Station 7/16/19

Dale Warner

From: Mission <notify@123mc.com>
Sent: Saturday, August 24, 2019 5:15 AM
To: adennis@duanesburg.net; dale@duanesburg.net; duanesburgwastewater@yahoo.com
Subject: Daily Runtime Report

Daily Runtime Report

Duanesburg, NY, Town of
23 August 2019

Site Name	-Runtime - Minutes	Gallons	Starts	Average (minutes/start)
159 Pump Station				
Pump 1	6.0	-	2	3.0
Pump 2	134.0	-	27	5.0
Pump 3	0.0	-	0	-
Cole Road Pump Station				
Pump 1	133.0	-	55	2.4
Pump 2	115.0	-	52	2.2
Both	0.0	-	0	-
Hilltop Pump Station				
Pump 1	22.0	-	21	1.0
Pump 2	32.0	-	8	4.0
Pump 3	0.0	-	0	-
Island Drive				
Pump 1	42.0	-	60	0.7
Pump 2	42.0	-	60	0.7
Pump 3	0.0	-	0	-
Route 7 Pump Station				
Pump 1	104.0	-	48	2.2
Pump 2	97.0	-	47	2.1
Both	0.0	-	0	-
South Shore Road #01				
Pump 1	0.0	-	0	-
Pump 2	19.0	-	6	3.2
Both	0.0	-	0	-
South Shore Road PS # 02				
Pump 1	65.0	-	4	16.3
Pump 2	21.0	-	3	7.0
Both	0.0	-	0	-
Spring Road Pump Station				
Pump 1	86.0	-	3	28.7
Pump 2	96.0	-	4	24.0
Both	0.0	-	0	-
West Shore Rd, PS				
Pump 1	48.0	-	5	9.6
Pump 2	87.0	-	5	17.4
Both	0.0	-	0	-

Dale Warner

From: Mission <notify@123mc.com>
Sent: Thursday, August 22, 2019 5:15 AM
To: adennis@duanesburg.net; dale@duanesburg.net; duanesburgwastewater@yahoo.com
Subject: Daily Runtime Report

Daily Runtime Report

Duanesburg NY, Town of
21 August 2019

Site Name	-Runtime - Minutes	Gallons	Starts	Average (minutes/start)
159 Pump Station				
Pump 1	16.0	-	4	4.0
Pump 2	346.0	-	46	7.5
Pump 3	0.0	-	0	-
Gold Road Pump Station				
Pump 1	-	-	----	No reports
Pump 2	-	-	----	No reports
Both	-	-	----	No reports
Hilltop Pump Station				
Pump 1	49.0	-	49	1.0
Pump 2	80.0	-	18	4.4
Pump 3	0.0	-	0	-
Island Drive				
Pump 1	182.0	-	106	1.7
Pump 2	110.0	-	52	2.1
Pump 3	0.0	-	0	-
Route 7 Pump Station				
Pump 1	157.0	-	66	2.4
Pump 2	167.0	-	67	2.5
Both	0.0	-	0	-
South Shore Road # 01				
Pump 1	0.0	-	0	-
Pump 2	247.0	-	63	3.9
Both	0.0	-	0	-
South Shore Road PS # 02				
Pump 1	59.0	-	4	14.8
Pump 2	29.0	-	5	5.8
Both	0.0	-	0	-
Spring Road Pump Station				
Pump 1	222.0	-	5	44.4
Pump 2	139.0	-	5	27.8
Both	0.0	-	0	-
West Shore Rd. PS				
Pump 1	51.0	-	5	10.2
Pump 2	62.0	-	4	15.5
Both	0.0	-	0	-

Dale Warner

From: Mission <notify@123mc.com>
Sent: Monday, July 30, 2018 5:26 AM
To: adennis@duanesburg.net; dale@duanesburg.net; duanesburgwastewater@yahoo.com
Subject: Daily Runtime Report

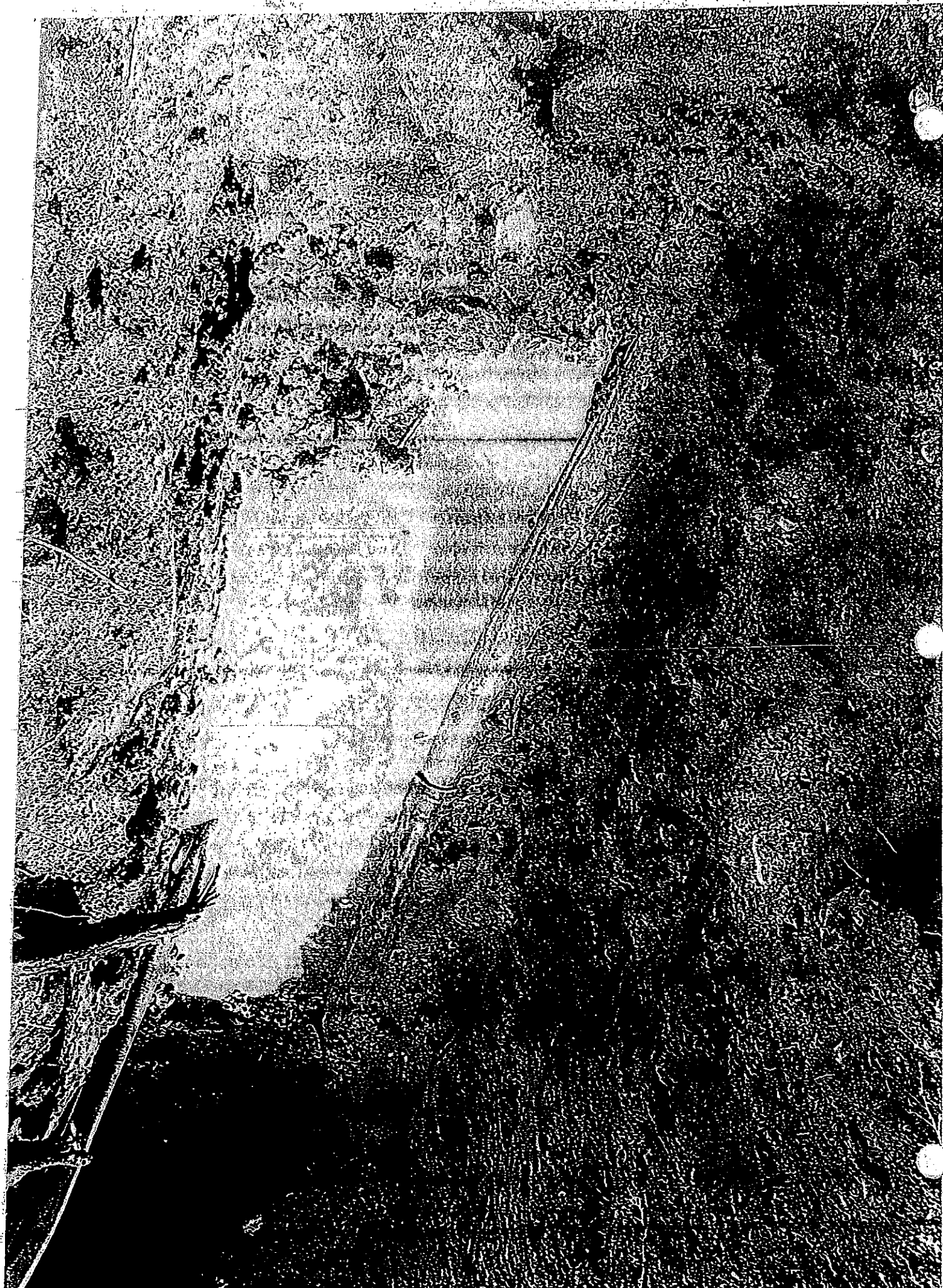
Daily Runtime Report

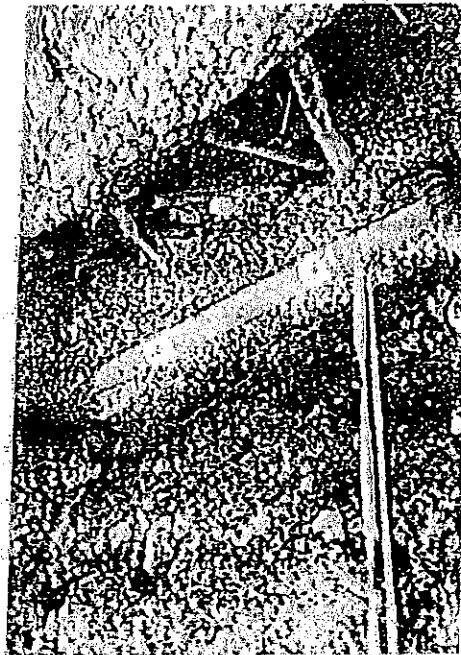
Duanesburg NY, Town of
29 July 2018

Site Name	Runtime Minutes	Gallons	Starts	Average (minutes/start)
159 pump station				
Pump 1	20.0	-	4	5.0
Pump 2	236.0	-	37	6.4
Pump 3	0.0	-	0	-
Cole Road Pump Station				
Pump 1	167.0	-	31	5.4
Pump 2	149.0	-	31	4.8
Both	0.0	-	0	-
Hilltop pump station				
Pump 1	47.0	-	24	2.0
Pump 2	48.0	-	11	4.4
Pump 3	0.0	-	0	-
Island Drive				
Pump 1	127.0	-	103	1.2
Pump 2	127.0	-	103	1.2
Pump 3	0.0	-	0	-
Route 7 Pump Station				
Pump 1	156.0	-	60	2.6
Pump 2	228.0	-	60	3.8
Both	0.0	-	0	-
South Shore Road # 01				
Pump 1	840.0	-	42	20.0
Pump 2	287.0	-	42	6.8
Both	287.0	-	0	-
South Shore Road PS # 02				
Pump 1	68.0	-	29	2.3
Pump 2	188.0	-	29	6.5
Both	4.0	-	0	-
Spring Road Pump Station				
Pump 1	173.0	-	8	21.6
Pump 2	277.0	-	7	39.6
Both	0.0	-	0	-
West Shore Rd. PS				
Pump 1	58.0	-	6	9.7
Pump 2	75.0	-	6	12.5
Both	0.0	-	0	-









Thank you for the opportunity to address the Town Board.

I will provide the clerk with this statement and ask that it be placed into the minutes in its entirety.

I would like to update the Town Board on two items that we discussed at the August 22, 2019 Town Board meeting:

1. I requested information on how to amend our zoning ordinance and solar law. Supervisor Tidball suggested I contact the Chairman of the Planning Board to learn the status of the Comprehensive Plan update and how to amend our town zoning and solar laws.

July 21st and August 8th I sent a messages to Chairman Sexton via the web portal. I received no reply so I asked Dale Warner to email Chairman Sexton directly requesting that he email me. I did not receive a reply.

August 29th I visited the Town Clerk's office to ask if the duaneshburg.net messaging portal works. I am told that they do receive messages thru the town's web messaging portal.

August 30, 2019 I sent Planning Board Chairman Sexton a message thru the duaneshburg.net portal which is the only method I have of contacting him or anyone on the Planning Board. I requested information about the Comprehensive Plan update and assistance in amending our Zoning Ordinances and Solar Law. I have not had a reply to this message so I researched the Planning Board minutes.

August 16, 2018 Planning Board minutes contains information on the Comprehensive Plan:

"Phil discussed the up and coming Comprehensive review changes and has asked the Planning Board for their input on how to best organize the committee. The Board was asked if they would be interested in overseeing the Comprehensive plan organization with the assistance of the Town Board, Zoning Board of Appeals and other outside interested parties, and to conduct review meetings directly following the regularly scheduled meetings. All members were in agreement and would further discuss at the next Board meeting."

September 20, 2018 Planning Board Minutes reflect "*Comprehensive Review- No review this month*"

October 18, 2018 Planning Board Minutes reflect "*Comprehensive Review- No review this month*"

November 15, 2018 Planning Board Minutes reflect "*Comprehensive Review- No review this month*"

After November 15, 2018 there is no mention of the Comprehensive Plan in the Planning Board minutes.

I have reviewed the Town Board Minutes and found the Comprehensive Plan mentioned in August and September of 2017.

2. Supervisor Tidball stated that once Eden Renewables project goes in that the Delanson 269 substation would be full and there will not be any more solar developments in Duanesburg.

The National Grid ombudsman and states that:

- two 10MW projects have been approved
- another 25.5 MW of project are in Coordinated Electrical System Interconnection Review (CESIR)
- at this time the Delanson 269 substation has 30 MW available before it would need to be upgraded for additional interconnections

The New York State Independent System Operator (ISO) queue and New York State Standardized Interconnection Requirements (SIR) queue for the Delanson 269 substation include the following projects:

- New PowerCo/ Eden DevCo has two 5MW projects approved
- Borrego has two 5 MW projects approved
- Precision Solar Renewables has a 5 MW project entered the queue on May 28, 2019
- General Electric's proposals remain in the queue
- At this time I have not learned anything more about the 25.5 MW in CESIR

For those of you not familiar with the ISO and SIR interconnection queues:

These are listings for independent operators and utility companies requesting to connect to the electrical grid. The information is presented as a spread sheet and tracks developer name, substation, date of application, MW, ect through out the review process. It looks like this (handout). A picture tells the story, so I downloaded the ISO and SIR queue spreadsheets and imported this information into google maps. This is what solar development looks like in New York State. Red pins are ISO queue. The blue pins are National Grid SIR queue from July 2019. It is important we all understand how many renewable energy projects are in the pipeline. This image shows why it is imperative that we get our legislation in order.

Why has there been a one year delay in addressing our Comprehensive Plan and amending our Zoning Ordinances and Solar Laws? If we look at the map I think we will all agree that our Comprehensive Plan needs to be updated and our zoning and solar laws amended **before** we let the horse out of the barn.

To facilitate this discussion I would like to provide you with two documents:

1. The Town of Florida's 11 page Solar Law as adopted January 2019. This is the town responsible for the array on Rt30 and they are currently siting a 50MW Article 10 project along Rt 20. If any of our neighbors know how to write a solid solar law, it's the Town of Florida.

2. Borrego's proposal for a 7MW solar project in Schoharie. According to the SIR queue National Grid has already approved Borrego for two 5 MW arrays connecting to Delanson 269 substation. Please read this comprehensive document and attend the public hearing in Schoharie on October 9th because this is the next developer that wants to build on our land.

In conclusion:

I ask the Town Board to enact a one year moratorium on all commercial development over 1M dollars so that we can carefully and thoughtfully finalize our Comprehensive Plan. Only then can we write legislation which aligns and strengthens our zoning ordinances and solar law to support out long term community goals and land use plans.

Local Law No. 1 of the year 2019
Town of Florida, County of Montgomery
A local law amending the Town of Florida Zoning Ordinance by
amending provisions relating to solar energy systems

Section 1. Legislative Intent

It is the intent of this local law to amend the Town of Florida Zoning Ordinance, as may have been amended from time to time, to include provisions that address the installation of solar energy systems, as defined in this law, within the municipal boundaries of the Town of Florida.

Section 2. Authority

This local law is adopted by the Town Board of Town of Florida (hereinafter referred to as the "Town Board") pursuant to its authority to adopt local laws under Article IX of the New York State Constitution; Articles 2 and 3 of the Municipal Home Rule Law; and Article 16 of the Town Law, particularly sections 261 and 263 which authorize the Town to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and "to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor."

Section 3. Amendment

(A) Article VIII of the Town of Florida Zoning Ordinance is hereby amended by repealing and replacing the section, designated as "Section 45.5", to said Article VIII to read as follows:

Section 45.5: Solar Energy Systems and Equipment

A. Town Policy Statement

1. Introduction:

The following policy statement regarding solar energy systems is in addition to, and does not necessarily supersede, the general land use policies set forth in the Zoning Ordinance. Where policies conflict, the policies set forth in this section control only as they pertain to solar energy systems.

2. In General:

The Town of Florida supports sustainable renewable energy sources such as solar energy and does not seek to discourage such energy sources to be installed in the Town. However, like any land use, solar energy systems have impacts on the community and neighboring properties which the Town seeks to mitigate so as not to adversely effect the Town's unique character nor impinge on properties within the Town. As such, the Town finds that small scale solar energy systems which are accessory to the primary use of the parcel and are installed for the primary purpose of

supplying electricity to the buildings located on that parcel is in keeping with the Town's Comprehensive Plan and land use policies. Such accessory systems are to be encouraged so long as they do not impact neighboring properties, are safely installed, do not impair emergency access and are removed when no longer used.

3. Specific Policies:

With respect to what is defined herein as Large Scale Solar Energy Systems, the Town is concerned with the potential scale and location of such Systems not fitting in with the existing community character. However, with proper guidelines, criteria and planning, Large Scale Solar Energy Systems of a limited size (see Section C below) may be appropriate but would have to be reviewed on a case by case basis. These Systems are to be encouraged and allowed so long as they fit in with the Town's community character, do not impact neighboring properties, are safely installed and operated, and do not impair scenic views or vistas, future growth, or economic development of the Town, and are appropriately and promptly removed upon decommissioning. Placement of Large Scale Solar Energy Systems in existing fields or areas that do not require significant deforestation or clearcutting and are well-screened from public views as well as nearby properties would increase the possibility of compatibility with the Town's community character and decrease the possibility of significant adverse impacts. It is recognized by the Town that certain scenic views and vistas are important to the Town and should be preserved since they significantly contribute to the Town's rural residential character. The layout of the solar panels and equipment should utilize existing natural features for screening and should avoid detrimental impacts to important natural resources such as wetlands, streams and other surface waters, prime agricultural soils, areas important for outdoor recreation and tourism, historic districts and buildings, home and property values, and the aesthetics of the Town's natural environment. The following regulations are intended to ensure that Large Scale Solar Energy Systems are only allowed of a scale, location and plan that appropriately recognizes the aforementioned land use policies, as well as the policies set forth in the Town's Comprehensive Plan and Zoning Ordinance.

B. Small-Scale Solar Collector System - Solar as an Accessory Use/Structure

1. Solar: Roof-Mounted Energy Systems.

a) Roof Mounted Solar Energy Systems that use the electricity onsite are permitted as an accessory use in all zoning districts of the Town of Florida when attached to any lawfully permitted building or structure.

b) Height. Solar Energy Systems when mounted to a roof shall not exceed maximum height restrictions within the zoning district it is located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.

c) Aesthetics. Roof-Mounted Solar Energy System installations shall incorporate, when feasible, the following design requirement: Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the

roof and highest edge of the system. All Solar Panels and Solar Equipment shall be made of such materials so as to not create or be conducive to glare.

d) Roof-Mounted Solar Energy Systems that use the energy onsite shall be exempt from site plan or special permit review and shall be allowed upon issuance of a building permit by the Town's Code Enforcement Officer/Building Inspector.

e) Plans prepared in accordance with the New York State Building Code shall be submitted to the Town's Code Enforcement Officer/Building Inspector and a permit issued prior to the commencement of installation. All electrical work shall be performed and/or inspected by an electrician or an electrical inspector licensed in New York State.

2. Ground-Mounted Solar Energy Systems.

a) Ground-Mounted Solar Energy Systems that use the electricity primarily onsite are permitted as accessory structures subject to issuance of a special use permit and site plan review, through the Planning Board, in all zoning districts of the Town of Florida.

b) Height and Setback. Ground-Mounted Solar Energy Systems shall adhere to the height and setback requirements of the underlying zoning district in which they are located.

c) All such Systems shall be installed in side or rear yards at an adequate distance from adjacent properties and in no case less than 20 feet from all property lines.

d) All such Systems shall be located in such a manner so that the System is adequately screened with respect to neighboring properties so that the views of the System from neighboring properties, particularly residences, are not a significant detraction. Screening can be accomplished by utilizing existing buildings and vegetation as well as deer resistant evergreen plantings when necessary. Any screening which is proposed by the applicant as part of the application or required by the Town Board as part of the approval shall be fully installed prior to the issuance of a certificate of compliance and prior to any operation of the System. All Solar Panels and Solar Equipment shall be made of such materials so as to not create or be conducive to glare.

e) The location of Ground-Mounted Systems shall not interfere with adequate parking or with ingress and egress to the property on which it is located. Ground-Mounted Solar Energy Systems in all districts must allow room for emergency services access to all buildings on the property or neighboring properties. The systems must be at least 20 feet from any existing structures and must not block any existing roadways, lanes or other pathways to buildings. The intent of this section is to ensure adequate emergency access.

f) Once site plan approval is received, plans prepared in accordance with the New York State Building Code shall be submitted to the Town Code Enforcement Officer/Town Building Inspector and a permit issued prior to the commencement of installation. All electrical work shall be performed and/or inspected by an electrician or an electrical inspector in New York State prior to final approval.

3. General Directions for Accessory Solar Energy Systems.

a) Roof-Mounted Solar Energy Equipment such as batteries and control panels (except individual on/off switches) shall be installed inside walls and attic spaces to reduce their visual impact. Ground Mounted Solar Energy Equipment shall be located in out-buildings where feasible or otherwise in such a manner to reduce their visual impact. Electric lines or wires from the System or Equipment to buildings should be installed below ground.

b) Decommissioning: If the Solar Energy Equipment is no longer in use for more than 18 months or becomes obsolete, the property owner shall remove the Solar Energy Equipment and restore the property within a reasonable time-period after non-use. Failure to do so shall constitute a zoning violation and may be enforced pursuant to Article XI of the Zoning Ordinance.

C. Solar -- Large/Utility Scale

Large Scale Solar Energy Systems are permitted only in the C-1 Commercial, C-2 Commercial, Industrial Business Parks, and Natural Products zoning districts of the Town of Florida and only upon issuance of a special use permit and site plan approval and compliance with the general standards and requirements in these regulations as well as the following requirements and standards. As is set forth below, the size of a Large Scale Solar Energy System is restricted in the Town of Florida. The reason for restriction is that the Town's current community character and economic well-being is dependent upon its natural resources and setting, its scenic views, its historic places and buildings, its agricultural history and its outdoor recreation and tourism opportunities. The future of the Town in terms of both its economy and the welfare of its residents depends on the continual preservation and promotion of such vital aspects of the Town. In this regard, the Town Board specifically finds that any Large Scale Solar Energy System greater in size than what is allowed by special use permit or otherwise as is set forth herein will be contrary to the community character and the future economic viability of the Town and would unreasonably burden the residents, taxpayers and the electric rate payers of the Town of Florida. The aforementioned policies and findings are based upon, supported by, and consistent with the Town of Florida's Comprehensive Plan.

1. Application Requirements.

Large Scale Solar Energy Systems are permitted through the issuance of a special use permit within the C-1 Commercial, C-2 Commercial, Industrial Business Parks, and Natural Products Districts, subject to the requirements set forth in this section, including site plan approval by the Planning Board. Applications for a special use permit shall be submitted to the Town Board for an initial review of completeness; once the Town Board determines that an application is complete, it will refer the application to the Planning Board for a report and recommendation; the Planning Board shall submit its report and recommendation to the Town Board within forty five days after receiving the referral; the Town Board will then commence its review and action, which can include approval, approval on conditions, or denial; following approval, or approval on conditions, the application will be subject to site plan review by the Planning Board.

a) Special Use Permit Application Requirements. For a Large Scale Solar Energy System, both the site plan and special permit applications, and required application materials, fees and submissions, are to be used in keeping with the relevant Articles of this Law, and supplemented by the following requirements:

- 1) If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
- 2) Blueprints showing the layout of the Solar Energy System signed by a Professional Engineer or Registered Architect shall be required.
- 3) The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
- 4) A full environmental assessment form, with Part 1 completed, and the visual assessment form addendum.
- 5) Stormwater runoff calculations and drainage plan.
- 6) The location and extent of natural resources and other significant features of the site including but not limited to the following: streams, wetlands, ponds, prime agricultural soils, flood plain, rock outcroppings, extent of clearing of mature trees, existing or proposed easements or right-of-ways.
- 7) Landscaping/Screening Plan. Such plan shall describe the methods and types of screening that is proposed, including but not limited to existing vegetation, topography, fencing and structures, and also detailing the number, location, size and species of vegetation to be planted on site and the size and extent of berms. Such plan shall also include appropriate performance criteria specifying minimum vegetation sizes and measures to be taken in the event that the proposed vegetation fails to survive, flourish, or otherwise meet said performance criteria throughout the lifetime of the project.
- 8) Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep including landscaping, mowing and trimming as well as any agricultural operations that will occur on the site or property once the System is installed.
- 9) The Applicant shall provide written confirmation that the electric grid has the capacity to support the energy generated from the proposed Large Scale Solar Energy System at its maximum peak design. A location map of the connection point to the grid shall be provided along with a description of any easements or

right-of-ways, clearing, infrastructure, appurtenances, and equipment that may be necessary or required to connect to the grid.

10) Decommissioning Plan. To ensure the proper removal of Solar Energy Systems and Equipment, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a special use permit under this Section. The Decommissioning Plan must identify who will be responsible for the removal of the System after the Large Scale Solar Energy System is no longer in use. The Decommissioning Plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to installation. The Plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer or Contractor. Cost estimations shall take into account inflation. Removal of Solar Energy Systems must be completed in accordance with the Decommissioning Plan. The Town shall also require a decommissioning bond or other financial security in which to finance the cost of such removal and restoration if not removed by the party designated in the plan as the party responsible for removal of the System within the time specified for removal in the Decommissioning Plan.

2. Specific Standards for Large Scale Solar Systems as a Special Use.

a) Height and Setback. The Solar Energy System shall have a maximum height of twenty (20) feet from ground elevation and shall be setback at a minimum of five hundred (500) feet from all of the parcel's boundary lines and two hundred (200) feet from all wetlands, ponds and streams. Buildings and accessory structures other than Solar Energy Equipment, if any, shall adhere to the height and setback requirements of the underlying zoning district.

b) Lot and System Size. Large-Scale Energy Systems shall only be located on lots with a minimum lot size of ten (10) acres. The size of the Solar Energy System shall be limited to a maximum of 5 MW of electrical energy generation per design at peak levels of operation or the land surface area covered by the Solar Energy System including internal access roads, Solar Panels and all System components and Solar Equipment, shall not encompass more than twenty-five (25) acres of the lot regardless of whether the System is contiguous or noncontiguous.

c) Lot Coverage. For purposes of this section, the surface area covered by Solar Panels, Solar Equipment and all System components including internal access roads, shall be included in total lot coverage. If the area in which the Solar Energy System is to be placed is leased, then the terms "lots" and "entire lot size" shall mean the land area that is leased. A Large Scale Solar Energy System shall not exceed the maximum lot coverage of the lot on which it is installed as follows:

- For lots consisting of 10 to 15 acres, the maximum total lot coverage shall be 1/3 (33/3%) of the entire lot size.
 - For lots consisting of 15 to 25 acres, the maximum total lot coverage shall be 2/5 (40%) of the entire lot size.
 - For lots greater than 25 acres, the maximum total lot coverage shall be 1/2 (50%) of the entire lot size with a maximum system size as set forth in subsection b above.
- d) No part of a Large Scale Solar Energy System shall be located above the elevation of 700 feet, along ridgelines, on hilltops, or on slopes greater than 12%.
 - e) All Solar Energy Systems shall be sited and screened in such a manner to have the least possible visual effect on neighboring properties, public roads and recreational areas, important scenic vistas and the general aesthetic environment. Screening by existing topography, trees and vegetation shall be incorporated to the maximum extent practicable and where not practicable screening must be installed such as vegetative berms or deer resistant evergreen plantings or a combination thereof.
 - f) Significant clearing of mature tree growth and hedgerows should be avoided to the maximum extent possible. Installation of Large Scale Solar Energy Systems on fields or land areas which do not require significant clearcutting is preferred. In no case shall the Solar Energy System require clearcutting of more than 9 acres. Once the land is cleared and the Solar Energy System is installed, the land disturbed must be reseeded or replanted with a combination of native plant species and native grass. Ground cover of gravel or other non-vegetative cover should only be used for access and internal roads to the maximum extent practicable.
 - g) Installation of Large Scale Solar Energy Systems on land areas which contain prime agricultural soils shall be avoided to the maximum extent possible. In no case shall the Solar Energy System cover more than 5 acres of prime agricultural soils.
 - h) The materials used for the Solar Energy System shall not be conducive to glare visible from beyond the lot's boundary lines. The Solar Energy System shall not generate noise or heat detectable from beyond the lot's boundary lines.
 - i) All Large-Scale Solar Energy Systems shall be enclosed by fencing no less than 8 feet in height to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The type of fencing shall be determined by the Town Board or Planning Board. The fencing may need to be setback from boundary lines and roads and further screened by any landscaping needed to avoid adverse aesthetic and safety impacts.
 - j) Any associated structure shall be screened, placed underground, depressed, earth bermed or sited below the ridgeline to the greatest extent feasible, particularly in areas of

high visibility, and the same shall be noted in the Site Plan. Where feasible, all utilities serving the site shall be underground.

k) If solar storage batteries are included in the Solar Energy System, the batteries must be placed in a secure container or enclosure meeting the requirements of the International Building Code, International Fire Prevention Code and NFPA 70. When the batteries are no longer in use, they shall be disposed of in accordance with the International Building Code, International Fire Prevention Code and NFPA 70 as well as the local laws of the Town, and any other applicable laws or regulations.

l) No artificial light is permitted, unless the same is required by a federal, state or local authority or regulation. Exterior lighting may be provided for associated accessory structures and access entrances as may be determined appropriate for security purposes only. If lighting is proposed a lighting plan shall be included with the Site Plan that is compliant with lighting standards set forth in the Zoning Ordinance.

m) Roadways within the site for solar access shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction, while providing sufficient ability, including but not limited to load bearing ability, to accommodate fire and other emergency apparatus. The layout, location, and number of access roads will be subject to site plan review.

n) Roadways must be properly maintained and kept free of debris and snow. Snow removal shall be within 24 hours of accumulation of a minimum of 6" of snow.

o) Review and approval of the application by the nearest fire department for accessibility of emergency vehicles and equipment is required prior to site plan review.

p) Any application under this Section shall meet any provisions, requirements and standards contained in the Zoning Ordinance that, in the judgment of the Town Board and Planning Board pursuant to their respective jurisdictions, are applicable to the Large Scale Solar Energy System Solar Energy System being proposed. If none of such requirements are applicable, the reviewing Boards may waive certain of the requirements under their respective review jurisdictions.

q) The Town Board may impose conditions on its approval of any special use permit and the Planning Board may impose conditions on its approval of any site plan under this Section in order to enforce the standards referred to in this Section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).

3. Additional Requirements.

a) The owner or operator shall maintain general liability insurance coverage on any solar energy system in the amounts of \$1,000,000 for injuries and \$500,000 for property damages, naming the Town of Florida as additional insured.

- b) If in the course of the delivery, installation, maintenance, dismantling, removal or transport of the solar energy system or any components thereof the property of the Town of Florida, including but not limited to roadways, shoulders, drainage structures, signage, guide rails, etc., is damaged by the efforts of the applicant or any agents thereof, the applicant shall, within 30 days of the damage, completely replace or repair all damage to the satisfaction of the Town.
- c) Any damaged or unused components of the system shall be removed from the premises within 30 days and disposed of legally. All maintenance equipment and spare parts shall be kept in a designated storage area which is fenced and screened.
- d) If the ownership of a solar energy system changes, the special use permit and site plan approvals shall remain in full force and effect providing all the conditions of the special use permit, including bonding, letters of credit or continuing certification requirements or obligations, including maintenance, continue to be obligations of successor owners. The change in ownership shall be registered with the Town Clerk with a copy to the Code Enforcement Officer/Building Inspector within 30 days of the change taking effect. The Town Clerk shall notify the Town Board of such change.
- e) Any and all modifications, additions, deletions, or changes to the Solar Energy System, whether structural or not, shall be subject to the Town Board's approval as an amendment of the special use permit and/or site plan, except that such amendment shall not be required for repairs which become necessary in the normal course of use of such system.
- f) An inspection report prepared by a duly qualified engineer licensed in the State of New York shall be required at the time of installation and every three years thereafter. The cost for this inspection shall be borne by the applicant and/or the current owner. The inspection report is required at the time of installation and in advance of powering the system for use. Thereafter, it shall be done to inspect all components of the solar energy system to ensure proper operation. The inspection report must be filed with the Code Enforcement Officer/Building Inspector. All recommendations for maintenance and repair contained in said inspection report shall be completed at the expense of the applicant/owner and shall be conducted within a written scheduled time frame agreed upon by the Code Enforcement Officer/Building Inspector.
- g) No part of the Solar Energy System, including area of lot coverage, shall be used for the display of any advertising, decorative flags, streamers, or any other decorative items.
- h) When any Solar Energy System is installed and before it becomes active, the owner of the site and/or the Solar Energy System must contact the Town's emergency responders departments to make arrangements for a meeting at the site to review the components of the array and to be educated on safety issues and procedures for emergency response. This shall include detailed discussion related to the location of labeled warnings, access to the site and information on emergency disconnection of the system. In addition, the Town Board may require a plan for installation regarding the location of placards which

provide mutual aid responders with sufficient information to protect them when responding to calls on site.

i) Native grasses and vegetation shall be maintained below the arrays and shall not include use of herbicides.

j) Decommissioning: Large Scale Solar Energy Systems are considered abandoned after 18 months without electrical energy generation and must be removed from the property. Applications for extensions may be submitted to and are reviewed by the Town Board for a period of additional 6-month periods not to exceed a total of 18 additional months. The owner of a solar energy system shall annually, by January 15, file a declaration with the Town of Florida certifying the continuing safe operation of said system installed subject to these regulations, as well as the status notification set forth in subsection f above. Failure to file a declaration shall mean that the system is no longer in use and shall be considered abandoned. At the time that a system owner plans to abandon or discontinue operation of a solar energy system, such owner must notify the Town, in writing, of the proposed date of abandonment, or discontinuance of operations. In the event that a system owner fails to give notice, the system shall be deemed abandoned upon such discontinuance of operations. In any event, a Solar Energy System shall also be considered abandoned when it has not been used for the purpose for which it was permitted, for a period of 18 months. Upon abandonment or discontinuance of use, the system owner or operator shall in addition to complying with the decommissioning plan, assure, if not part of the approved decommissioning plan, physical removal of the Solar Energy System, and all accessory structures and/or equipment within 90 days from the date of abandonment or discontinuance of use. "Physically remove" shall include, but shall not be limited to: (i) removal of panels, collectors, support units (including all underground wiring), mounts, equipment shelters and security barriers from the property; (ii) proper disposal of the waste material from the site in accordance with local and state solid waste disposal regulations; and (iii) restoring the land area where the Solar Energy System was located to its natural condition, except that any landscaping and grading may remain in the "after" condition. If the owner of the system fails to properly remove said Solar Energy System and associated structures and equipment within 90 days from the date of abandonment, the Town may exercise its option to remove said system at its own discretion upon notification to the owner of the system and the property owner, at the expense of the owner or owners for which the surety, as described below, shall be used. The applicant must provide the Town with written authority from the owner or owners of record for the subject property where the Large Scale Solar Energy System is located to bind successors and assigns to allow the Town to enter onto the subject property to physically remove the system in the event that the party identified as the party responsible for removal of the System fails to timely remove the system in accordance with the requirement of this Section and the special use permit. Prior to commencement of construction of the approved Solar Energy System, the applicant shall provide the Town with a bond or other acceptable security in an amount determined by the Town Board, but in no case less than 125% of the cost for the removal of the system and remediation of the landscape, in the event the Town must remove the facility. The terms of the bond or other security shall be clear as to who is responsible for removal of the

System, the time in which removal must occur, and when or upon what circumstances the security is to be transferred to the Town. The bond or security instrument shall also be in a form acceptable to the Town's legal counsel, which includes but is not limited to letter of credit, perpetual bond, or any combination thereof. The amount of the bond or security shall be reviewed from time to time by the Town Board and shall be adjusted if deemed necessary by the Town Board. If the amount of the bond or security is adjusted, the applicant shall have 90 days from the date of the notice that adjustment is required to provide an adjustment bond or security in a form acceptable to the Town's legal counsel.

(B) Article III, Section 4 of the Town of Florida Zoning Ordinance is hereby amended to add the following terms and accompanying definitions to said Article, pursuant to their alphabetical placement in said Article, as follows:

PRIME AGRICULTURAL SOILS as defined and designated by the Montgomery County Agricultural and Farmland Protection Program and the Agriculture and Markets Law Article 25-AAA.

PRIMARY USAGE (e.g. "use the electricity primarily onsite" or "produces energy primarily for", "for power generation primarily for") shall equal no more than 110% of onsite electrical usage on average over the preceding 12 months as demonstrated on utility bills.

SOLAR - LARGE SCALE: An installation of Solar Panels and Solar Equipment that is ground-mounted and produces energy primarily for the purpose of offsite sale or consumption. Any installation producing electricity greater than 110% of onsite electrical usage on average over the preceding 12 months as demonstrated on utility bills is considered Large Scale Solar. It is a use allowed upon issuance of a special use permit and site plan approval only in the C-1 Commercial, C-2 Commercial, Industrial Business Parks, and Natural Products Town Zoning Districts.

SOLAR: ROOF-MOUNTED SYSTEM: Any solar collector, solar energy device or structure which is attached to the roof of a building or structure and whose primary usage and purpose is to provide for the collection, storage, and distribution of solar energy for space heating, cooling, water heating, or for power generation primarily for the buildings and structures located on the same parcel as the solar energy system. This type of system requires a permit as an accessory use in all Town Zoning Districts prior to installation.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

END OF LAW