

**ZONING BOARD OF APPEALS JOINT MEETING WITH HERKIMER TOWN PLANNING BOARD  
PRESENTATION BY TRC RE: WATKINS ROAD SOLAR FARM — FEBRUARY 18, 2020— 6:00 PM**

Schuyler ZBA members, Town of Herkimer Planning Board members, and several members of the public gathered at the Schuyler Town Office, 2090 State Route 5, Utica, NY at 6:00 PM on February 18, 2020 to receive a presentation by TRC officials regarding the proposed SunEast Solar Farm on Watkins Road and Soule Road in the Towns of Schuyler and Herkimer. This one hour-long presentation included Q&A session with full audience participation.

Schuyler ZBA members present were: Chairman Ronald J. Beach, Christine Proulx, Robert Wasyleski, and Alternate Member David M. Pasick. Members absent were Vice Chair JoAnn Mammone (excused), and Joseph Aiello IV. Bette Szesny served as ZBA Secretary. This meeting was digitally recorded and is available for public disclosure by password-protected E-mail transmission upon request to: bszes@aol.com.

Also present were SunEast Development associate Mike Beckner, and TRC associates Jason Dickey, Chet McLaughlin and Olivia Paeton.

TRC provides professional services in the engineering and consulting realm to power, infrastructure and oil and gas markets. Their services were engaged by SunEast to oversee the development of the Watkins Road Solar Farm and to provide feedback on any issues of concern. Their involvement in this project serves to provide an independent analysis with regard to any untoward health, safety, and environmental concerns a project such as this may present to the involved communities and their residents.

**PRESENTATION BY TRC**

The SunEast Solar Farm project was described in great detail, with many questions and concerns posed by those in attendance which were answered in great detail, describing the company's efforts on behalf of SunEast Development and those of the involved municipalities to ensure all aspects of the project's infrastructure will be in compliance with strict governmental regulations, and will pose no danger or health concerns to residents, the environment or natural plant and animal species.

*— Bette Szesny, Recording Secretary*

<b>ZONING BOARD OF APPEALS SPECIAL MEETING RE: WATKINS ROAD SOLAR FARM MARCH 3, 2020 — 6:00 PM</b>
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Chairman Ronald J. Beach, Jr. called the Public Hearing before the ZBA to order at 6:00 PM at the Schuyler Town Office, 2090 State Route 5, Utica, NY. Other ZBA members present were: Vice Chair Jo Ann Mammone, Christine Proulx, and Robert Wasyleski and Alternate Member David M. Pasick.

Others present were Kevin Murphy, Esq. (Wadas Law Firm) who is serving as legal counsel for the Town of Schuyler/ZBA for this project; Chris Biamonte, Esq., (Assistant to Attorney Kevin Murphy, Esq.); and Bette Szesny who served as Recording Secretary.

Chairman Beach led the assembled persons in the Pledge of Allegiance to the Flag.

Chairman Beach distributed copies of the proposed Decommissioning Agreement submitted by the applicant. He stated the focus of this meeting will concentrate on the Board's review of this agreement with legal counsel.

**EXECUTIVE SESSION**

Chairman Beach asked for a motion from the Board to enter into Executive Session to discuss the proposed decommissioning agreement submitted by the applicant.

Motion by JoAnn Mammone, seconded by Robert Wasyleski, all in favor, to convene into Executive Session. All members voted affirmatively as polled by voice vote; motion carried. Time: 6:06 PM.

**RETURN TO OPEN SESSION**

Motion by Christine Proulx, seconded by David Pasick, all in favor to return to open session; all in favor. Time: 7:05 PM.

**PAYMENT OF INVOICE FOR LEGAL FEES**

Chairman Beach stated the invoice payable to Wladas Law Firm to date is \$25,000.

Motion by Chairman Beach, seconded by Robert Wasyleski, to issue a check to Kevin Murphy, Esq., in the amount of \$10,000 at this time, for partial payment to Wladas Law Firm for legal services rendered by Kevin Murphy, Esq. All members voted affirmatively as polled by voice vote; motion carried.

**ZBA MEMBERSHIP VACANCY**

Ms. Mammone noted Joseph V. Aiello has resigned from the ZBA, creating a vacancy.

Mr. Beach stated he will be attending the upcoming March 11th Town Board meeting, to request Alternate Member David M. Pasick be appointed to fill the vacancy.

He also has a recommendation that Jeffrey Dingman be appointed to fill the alternate member vacancy, as his office skills will also enable him to fill in for Secretary Szesny should the need arise. All agreed Mr. Dingman will be an excellent choice for this open position.

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**MINUTES APPROVAL — FEBRUARY 4th & FEBURARY 18th**

Motion by Robert Wasyleski, seconded by JoAnn Mammone to approve the above referenced meeting minutes as presented. All members voted affirmatively as polled by voice vote; motion carried.

**NEW BUSINESS: UPCOMING ANNUAL TRAINING SEMINAR**

Secretary Szesny stated the Town of Schuyler's upcoming Annual Planning & Zoning Training Seminar will be held on Wednesday, May 6, 2020 from 6:00 to 10:00 PM. Program flyers were distributed to all members.

**PROPOSED CERTIFICATE OF OCCUPANCY**

Chairman Beach stated the Planning Board was charged last November with the task of developing a Certificate of Occupancy for Special Use Permit applications, so as to provide the ZBA with leverage to effectively address issues of non-compliance. However, the Planning Board has failed to follow through with this assignment. Therefore, he will be taking over this task, with the finished product to be reviewed and approved by the Town's attorney.

**ADJOURNMENT**

There was no further business to come before the ZBA; therefore, a motion was made by David Pasick and seconded by Robert Wasyleski to adjourn the meeting. All members voted affirmatively as polled by voice vote; motion carried.

Chairman Beach adjourned the meeting at 7:11 PM.

— *Bette Szesny, Recording Secretary*