

*The Town of Orleans Board Meeting
April 8, 2021*

The Town of Orleans Town Board Held a regular scheduled board meeting on April 8, 2021 at 7:00PM at the municipal building in LaFargeville.

Members Present: Kevin Rarick, Peter Wilson, Gwen Kirkby, Mary Ford-Waterman, and Thomas Johnston

Others Present: Tammy Donnelly, Rob Black, Jim Burrows, Pam McDowell, Stacy Snyder Morse, and Rob Company

Supervisor Rarick called the meeting to order at 7:15PM

1. Minutes- A motion was made by Peter Wilson and seconded by Thomas Johnston to accept March 2021 minutes as read.

Kevin Rarick, Aye

Mary Ford- Waterman, Aye

Peter Wilson, Aye

Thomas Johnston, Aye

Gwen Kirkby, Aye All in favor motion carried

2. Stacy Snyder-Morse- Stacy spoke with board with regards to applying for a construction grant that would fix issues at library and expand. Stacy emailed the board information for their review. Discussion was held.

3. Oya- Jim Burrows spoke regards Solar project, decommission Bond, and Road Use Agreement. Discussion was held. The following resolution #10 & #11 were approved.

Town of Orleans
PO Box 103
LaFargeville, New York 13656

"This institution is an equal opportunity provider and employer"

Supervisor
Kevin Rarick 658-4411
Town Clerk
Tammy Donnelly 658-9950
**Highway
Superintendent**
Brian Kirkby 658-9920
Town Assessor
Dale Raymo 658-4309

Zoning Officer
Lee Shimel 658-2057

Town Council
Gwen Kirkby
Peter Wilson
Mary Ford Waterman
Thomas Johnston

**RESOLUTION #10
DECOMMISSIONING BOND**

WHEREAS, the Planning Board for the Town of Orleans, New York has considered the application for a Special Use Permit and Site Plan Approval under the Town of Orleans Zoning Laws and the newly adopted Solar Energy Law as submitted by OYA Solar NY, LP in connection with a fourth 5 MW Solar Energy Project in the Town of Orleans (the "Project"); and

WHEREAS, the approval was granted for the Project conditioned upon an acceptable Decommissioning Plan and Decommissioning Bond providing appropriate security for the life of the Project; and

WHEREAS, the Applicant has proposed to adhere to Decommission tasks and estimated costs that NYS Energy Research and Development Authority (NYSERDA) provide as guidance in their Decommissioning Solar Panels System Fact Sheet; and

WHEREAS, OYA has proposed an Annual Renewable Performance Bond, a copy is attached, covering a 5.0 MW ground mount tracker based solar project and in the amount of \$247,250, intending to cover the Project for an initial twenty-five (25) year term; and

WHEREAS, the Town Board has expressed a desire to accept the same, for the reasonable life of the underlying Project; and

WHEREAS, the Applicant has agreed to the same as follows.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Orleans, NY:

1. In regard to the 5 MW Project at 18600 Robinson Road, listed herein, and prior to receiving a permit, the Applicant shall provide financial security equal to the estimated cost

RESOLUTION- Decommissioning Bond2

of decommissioning the Project (the "Decommissioning Security") in a form acceptable to the Town. The Town shall have the right to employ the Decommissioning Security to carry out decommissioning if the Applicant fails to do so as required by the local approvals and/or the permit. The Decommissioning Security shall be:

\$247,250 for the OYA Solar Project;

The Decommissioning Security shall not expire for at least one (1) year after the end of the life of the Project. Town shall notify the Applicant and/or its successor and /or assignee in writing at least one (1) year before the end of the term for which the Decommissioning Security is provided restating the terms of this Agreement. The Decommissioning Security shall not be allowed to lapse during the life the 5 MW project listed herein. OYA, its successors or assigns shall provide replacement Decommissioning Security as necessary to meet this requirement and upon the failure to do so, by no later than six (6) months prior to the expiration of the Decommissioning Security shall be a breach of this approval/permit immediately entitling the Town to use the Decommissioning Security without further proceedings.

2. The respective Decommissioning Bond security addressed and attached hereto is incorporated herein and shall be an express condition of this approval.

3. The Supervisor for the Town of Orleans, Town Clerk for the Town of Orleans, the Zoning Enforcement Officer for the Town of Orleans and Town Attorneys and all other Town officers, agents or representatives shall take all steps necessary to bring full force and effect to this approval.

4. This Resolution shall take effect immediately.

The foregoing Resolution was offered by Board Member, Pete Wilson, and seconded by Board Member, ~~Pete Wilson~~ Mary Waterman, and upon roll call vote of the Board was duly adopted as follows:

Supervisor Kevin Rarick	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Thomas Johnston	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Gwendolyn Kirkby	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Peter Wilson	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Mary Ford-Waterman	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Dated: April 8, 2021

Tammy Donnelly
Tammy Donnelly, Town Clerk

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Gwen Kirkby
Peter Wilson
Mary Ford Waterman
Thomas Johnston

**RESOLUTION
11 of 2021
ROAD USE**

WHEREAS, the Planning Board for the Town of Orleans, New York has considered and approved the application for a Special Use Permit and Site Plan Approval under the Town of Orleans Zoning Laws and the newly adopted Solar Energy Law as submitted by OYA Solar NY, LP and/or OYA Robinson Road, LLC in connection with a fourth 5 MW Solar Energy Project in the Town of Orleans (the "Project"); and

WHEREAS, the Planning Board's approval was granted for the Project conditioned , in part, upon a Road Use Agreement as acceptable to the Town Board of Orleans; and

WHEREAS, the Applicant has proposed to provide a one (1) time payment of \$30,000 to the Town of Orleans to address possible damages to Town Highways associated with the transport of equipment and/or materials associated with the Project in exchange for a General Release from the Town of Orleans; and

WHEREAS, the proposal has been recommended by the Highway Superintendent and the Town Board has expressed a desire to accept the same.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Orleans, NY:

1. In regard to the proposed 5 MW Project at 18600 Robinson Road and prior to receiving a permit, the Applicant shall provide a one (1) time payment of \$30,000 to the Town of Orleans for the estimated damages to be sustained on Town Highways during the development, construction, repair and maintenance of the Project from January 1, 2021 through December 31, 2022.

RESOLUTION- Road Use

2. The Town Board shall provide a limited General Release to the Developer associated with potential damages as attached hereto and incorporated herein.

3. The Supervisor for the Town of Orleans, Town Clerk for the Town of Orleans, the Zoning Enforcement Officer for the Town of Orleans and Town Attorneys and all other Town officers, agents or representatives shall take all steps necessary to bring full force and effect to this approval.

4. This Resolution shall take effect immediately.

The foregoing Resolution was offered by Board Member, Gwen Kirkby, and seconded by Board Member, Peter Wilson, and upon roll call vote of the Board was duly adopted as follows:

Supervisor Kevin Rarick	Yes <u>X</u>	No <u> </u>
Thomas Johnston	Yes <u> </u>	No <u>X</u>
Gwendolyn Kirkby	Yes <u>X</u>	No <u> </u>
Peter Wilson	Yes <u>X</u>	No <u> </u>
Mary Ford-Waterman	Yes <u>X</u>	No <u> </u>

Dated: April 8, 2021

Jimmy Donnelly
Jimmy Donnelly, Town Clerk

4. *Jim Burrows - Discussion on unsafe buildings & structures- Discussion was held. A public hearing will be held on May 13, 2021 at 7:30PM for the purpose of adopting a local law in regards to unsafe buildings and structures in the Town of Orleans.*

5. *Solar Energy Law- Jim Burrows spoke and presented town board with draft agreement for their review. Discussion was held . Jim Burrows will hold a release from OYA until the \$30,000 is received. A public hearing will be held on May 13, 2021 at 8:00pm for the purpose to amend solar energy law.*

A Draft Development Agreement was presented to town board for review.

6. *Court Audit - Town board members, Mary Ford-Waterman and Peter Wilson performed an audit of the court records for 2020 on March 31, 2021. The town board signed on April 8, 2021. as follows:*

Town of Orleans Justice Court
PO Box 206
Municipal Building Sunrise Avenue
LaFargeville, NY 13656
Phone 315-658-2272
Fax 315-658-2065

Hon. David M. Morse



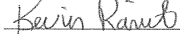
Hon. R.W. Hardy Sr.

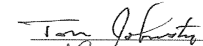
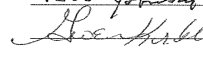
2020

WE, the undersigned, members of the Town Board of the Town of Orleans, Jefferson County, hereby certify that we have examined the foregoing account books and audited the monthly reports of the Town Justices Hon. Richard Hardy Sr. and Hon. David M. Morse for year ending 2020.

Respectfully submitted by Michele M. Elmer, Court Clerk for the Town of Orleans Town Court.

Dated this 8th day of, April 2021.


Mandy Spadavecchio Councilman

Keith Councilman

Kevin Ranub Supervisor


Tom Johnston Councilman

Lisa Kelly Councilman

7. Highway Superintendent Rob Black update – Rob stated the landfill fee for tires with rims will now be 10.00 and Dump Truck tires will now be \$15.00.

TI Park Sewer Project went well doing cleanup & topsoil in a couple of weeks.

Brush pickup is scheduled

8. Zoning Fee Change- if someone builds without permit – Discussion was held. The following Resolution was adopted effective April 9, 2021

Resolution #12

Zoning fees for projects that have started without a zoning permit will be as follows:

Residential will now be \$50.00 if building without a permit

Commercial will now be \$200.00 if building without a permit

A motion was made by Thomas Johnston and seconded by Mary Ford-Waterman

Kevin Rarick, Aye

Mary Ford- Waterman, Aye

Peter Wilson, Aye

Thomas Johnston, Aye

Gwen Kirkby, Aye All in favor motion carried

Rob Campany gave update on Boat Ramp Redi project.

Rte. 12 water - NCC will be here next week.

Town Clerk report reviewed

Bills were audited in the amount of \$622,340.91

A motion was made by Peter Wilson and seconded by Thomas Johnston to adjourn meeting.

Kevin Rarick, Aye

Mary Ford- Waterman, Aye

Peter Wilson, Aye

Thomas Johnston, Aye

Gwen Kirkby, Aye All in favor motion carried

Meeting adjourned at 9:40PM

Respectfully submitted

Tammy Donnelly

Town Clerk