

**Town of Elba
Special Town Board Meeting
May 21, 2025**

Supervisor Hynes called the meeting to order at 3:00 p.m.; followed by the Pledge to the Flag.

Those in attendance included:

Supervisor Hynes
Councilman Augello, arrived at 3:02 p.m.
Councilman Chamberlain
Councilman Coughlin
Councilwoman Marshall, arrived at 3:04 p.m.

Others Present:

Town Clerk Werth
Dwight Kanyuck, Attorney, left meeting at 4:11 p.m.
Brad Mudrzynski, Planning Board Chair left meeting at 4:11 p.m.
Chuck Hoover, Resident, left meeting at 4:11 p.m.
Seth Knoll, Primoris Renewable Energy, left meeting at 4:10 p.m.

Supervisor Hynes stated the purpose of the meeting was to discuss items with the Solar Attorney and to hire an additional Court Clerk.

Supervisor Hynes stated that a few of the residents who signed agreements with Hecate – Cider Solar are calling Town Board Members with concerns on how many trees are being cut down. Mr. Kanyuck reminded the Board that these residents have a lease with the solar company, and it has nothing to do with the Town and the Town should stay out of it.

Councilman Augello asked Mr. Kanyuck where we are with inspectors for the Cider Solar project. Mr. Kanyuck stated he spoke with Hecate's attorney yesterday; they have agreed to the proposal of Mr. Grasby and two Code Officers. They have a combined budget of \$145K and Mr. Grasby is comfortable with this. Mr. Grasby and Mr. Kanyuck would like to see an escrow agreement where Hecate would deposit a certain amount (\$25K) in said account. An invoice would come monthly, the Board would approve it. Once the escrow account is below \$5K it will be replenished. The job of Mr. Grasby and the Solar Coordinator's is to certify compliance with the Town's building and fire codes. Hecate is not required to get a building permit but they are required to comply with parts of the building and fire codes. They would inspect and prepare reports as independent third-party entities. Councilman Augello asked if they would also be enforcing the Town's solar laws. Mr. Kanyuck stated that the solar laws are part of their State permit, they would be able to observe them but would need to let Hecate and ORES know if they are not complying. ORES approved the drawings, which listed the setbacks. The Department of Public Service/ORES and Hecate's engineers are in the field and confirming that they are compliant.

Councilwoman Marshall asked if a landowner could call them with questionable setbacks by their property. Mr. Kanyuck stated they would need to follow the complaint procedure that Hecate has set up on their website.

Mr. Grasby is an independent contractor. There are rates in the proposal of \$75.00 for the Solar Coordinators. Supervisor Hynes stated that an account would need to be created for this escrow money. Mr. Kanyuck shared that Mr. Grasby would send an invoice for his billable hours. Councilwoman Marshall asked if they could be paid quarterly. Mr. Kanyuck shared that this is typically done monthly and will request a replenishment of funds from Hecate every 2/3 months. He is hoping to share the draft of this proposal by next week.

Supervisor Hynes stated the Town Board had a brief discussion on a moratorium on the amount of solar coming into Elba. Mr. Kanyuck stated a moratorium could be put in place, it is a local law. He explained the process of

putting a local law in place. The moratorium would not prevent anything that is already taking place but it would put a hold on new projects seeking approval. The duration is typically one year with the intended purpose of reviewing the local solar law. If the review is not done within the year, it could potentially be extended an additional six months. Councilwoman Marshall asked how specific the purpose of the moratorium needs to be. Mr. Kanyuck stated the Town could state they are doing a moratorium on large solar but allow rooftops, farms or small private solar panels. Councilwoman Marshall asked to include wind and batteries too, Mr. Kanyuck said yes. Mr. Mudzynski asked if ORES would be able to overrule this moratorium, Mr. Kanyuck said yes. He stated the moratorium prevents someone from issuing a permit, stating there should be no site plan approvals, no special permits or no building permits. A permit from ORES supersedes all of this. Mr. Kanyuck stated that with his experience with ORES, knowing that a moratorium is in place, they would encourage the developer to wait until the local law is in place before applying. Councilman Augello asked if there is a way to write a moratorium that states the Town does not want any more solar here, regardless of who is requesting it. Mr. Kanyuck said no. Councilwoman Marshall shared that there has been discussion throughout the State that Towns are putting in a percentage of how much solar can go on land within the Town. Mr. Kanyuck stated that there has been some enacted, but he questioned the legality of determining what percentage is eligible. However, ORES can still overrule this. He worked with a Town who had a requirement of “no development on prime soil” and they mapped it for their Town. This left areas within the Town that could still be developed. Mr. Mudzynski stated there is only prime soil or wetlands in Elba. Mr. Kanyuck shared that the Town has quite a few solar projects in Town, there may be a more defensible legal position than others would. Supervisor Hynes said this may work for big projects but what about the little projects. Discussion ensued regarding the amount of solar projects the Town already has. Supervisor Hynes asked if the Town Board wanted to move forward with Mr. Kanyuck starting the paperwork for a moratorium. Councilwoman Marshall agreed. Mr. Kanyuck will get the Local Law started. Mr. Mudzynski asked what would happen if the Planning Board received an application in July for solar. Mr. Kanyuck stated a permit could not be issued during the time of the moratorium. Mr. Mudzynski and Mr. Kanyuck talked through the timing of the Comprehensive Plan (taking 18-24 months to be written) and the moratorium expiring between 12-18 months. Mr. Kanyuck stated it would be evident that the Town is diligently working on the necessary steps to update the Law.

Councilwoman Marshall shared that Ag & Market is looking to protect prime soils. There are guidelines in place for constructing and decommissioning. Mr. Knoll stated they met with DEC and Ag & Markets in March. As far as Ag & Markets are concerned, anything on the outside of the fence is a protected area, it is flagged off. Discussion took place about the possibility of hail hitting the panels.

Mr. Mudzynski asked if there were any projects that had contamination issues, breakage, etc. Mr. Kanyuck heard of some where there were storms that created breakage where broken glass was removed, soil was tested and panels replaced. There have been battery fires recently, they issued recommendations for upgrades to building and fire codes. Mr. Knoll stated if there was an electrical fire with sub stations and inverters they would need to just burn out.

Councilwoman Marshall made a **MOTION** to move forward with starting the paperwork for a moratorium in consideration with the updated Comprehensive Plan for Solar, Wind & Battery.

Second by: Councilman Augello

Ayes: Augello, Coughlin, Hynes, Chamberlain, Marshall

APPROVED by unanimous vote (5-0)

Mr. Hoover shared he has spoken to a lot of people regarding questions concerning woods clearing, retention ponds, dirt movement and project oversight.

Supervisor Hynes asked Mr. Knoll to get in touch with Mr. Brinkman (Public Works Director) to have signs posted in the Village regarding no solar traffic.

Councilman Chamberlain shared that he witnessed a black Ford truck with flashing lights moving at a very high rate of speed towards the dead end on Ridge Road and Lockport Road. He shared concern about a local resident who rides her wheelchair in that area of Ridge Road. Mr. Knoll stated he would be sending that employee home for three days.

Mr. Knoll asked if stop ahead signs on Lockport Road needed to be 500 feet from the intersection. Supervisor Hynes stated it is a County Road, he would need to call Tim Hens at the County. They would like to replace the current signs with blinking signs. Councilwoman Marshall shared that the State will be making the Lockport Road and Route 98 intersection a four way stop during the 2025 construction season. Discussion ensued on the need for blinking lights there. Supervisor Hynes is trying to get the engineers from DOT to meet at the intersection to discuss.

Mr. Knoll recommended adding wind to the moratorium. He did the measurement and there are 1,800 acres that could be developed.

RESOLUTION #13-2025:

Councilman Coughlin offered the following:

RESOLUTION TO APPOINT DEPUTY COURT CLERK

RESOLVED, the Board moves to appoint Marilyn Weinert as the Elba Deputy Court Clerk effective June 1, 2025 to assist the Court Clerk for 5 hours a week. A time sheet signed by Court Clerk and/or judge and a list of assignments completed will be required.

Second by: Councilwoman Marshall

Ayes: Augello, Coughlin, Hynes, Chamberlain, Marshall

APPROVED by unanimous vote (5-0)

ADJOURNMENT

MOTION was offered from Councilman Chamberlain second by Councilman Coughlin to adjourn the meeting at 7:47 p.m.

Ayes: Augello, Chamberlain, Coughlin, Hynes, Marshall

MOTION CARRIED by unanimous vote (5-0)

Respectfully Submitted,

Trisha Werth
Town Clerk