

SPECIAL BYRON TOWN BOARD MEETING

August 21, 2019

The Special Byron Town Board Meeting was called to order by Supervisor Roger Rouse at 7:00 p.m. with the following people present:

- Supervisor.....Roger Rouse
- Councilmen.....Sue Fuller
Fred Klycek
Jeff Thompson
- Town Clerk.....Debra Buck-Leaton
- Absent.....Councilman Thompson
- Invited Guests.....Scott Mattison, MRB Group
J.P. Schepp, MRB Group
- Public:
 - David Leaton.....Byron Road, Byron
 - Pete Yasses.....Rte. 237, Byron
 - Candy Hensel.....Rte. 237, Byron
 - Tom Felton.....Townline Road, Byron
 - Sara Stockwell.....Rte. 237, Byron
 - Ben Raccuia.....Warboys Road, Byron
 - Eric Zuber.....Tower Hill Road, Byron
 - Mike Zuber.....Tower Hill Road, Byron
 - Steve Hohn.....Cockram Road, Byron
 - Jack Redick.....Walkers Corners Road, Byron

PLEDGE TO THE FLAG:

Supervisor Rouse led the people in attendance in the Pledge of Allegiance.

**LEGAL NOTICE
SPECIAL MEETING
TOWN OF BYRON**

PLEASE TAKE NOTICE, that the Byron Town Board will hold a Special Meeting on Wednesday, August 21, 2019 at 7:00 p.m. at the Byron Town Hall, 7028 Rte. 237, Byron, New York. The purpose of the Town Board meeting will be to discuss the Town Water Improvement Benefit Area No. 1 and to complete the environmental review.

*Debra Buck-Leaton
Byron Town Clerk*

WATER IMPROVEMENT BENEFIT AREA NO. 1 - SEQR DESIGNATING LEAD AGENCY RESOLUTION

RESOLUTION #81:

Councilwoman Fuller offered the following resolution and moved for its adoption:

WHEREAS, the Town of Byron Town Board (hereinafter referred to as Town Board) has on Wednesday, July 17, 2019 declared its intent to be designated the Lead Agency for the Town of Byron Water Improvement Benefit Area No. 1 under the provisions of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board has provided written notices to this effect to the involved and interested agencies; and

WHEREAS, the Town Board has not received any written objections from the involved agencies to the Board's being designated as the lead agency under the SEQR Regulations; and

WHEREAS, the Town Board has previously determined that it is the most appropriate agency to insure the coordination of this Action and for making the determination of significance thereon under the SEQR Regulations.

NOW, THEREFORE BE IT RESOLVED, that the Town Board does hereby designate itself as the lead agency for the Action identified above herein.

Councilman Thompson seconded the resolution which was adopted by the following vote:

Vote: Ayes: 4 Nays: 0

WATER IMPROVEMENT BENEFIT AREA NO. 1 - SEQR DESIGNATING LEAD AGENCY RESOLUTION

RESOLUTION #82:

Councilman Klycek offered the following resolution and moved for its adoption:

WHEREAS, the Town of Byron Town Board (hereinafter referred to as Town Board) has determined the above referenced Action to be an Type 1 Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board has reviewed and accepted the completed Full Environmental Assessment Form Parts 1, 2, and 3 on the Action prepared by the MRB Group; and

WHEREAS, the Town Board has completed the coordinated review and public comment period provided for under the SEQR Regulations; and

WHEREAS, the Town Board has designated itself as lead agency under the SEQR Regulations for making the determination of significance upon said action; and

WHEREAS, the Town Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c)(1) of the SEQR Regulations and the information contained in Full Environmental Assessment Form Parts 1, 2, and 3.

NOW, THEREFORE BE IT RESOLVED, that said Action **WILL NOT** result in any significant adverse environmental impacts based on the review of the Full Environmental Assessment Form; and

BE IT FINALLY RESOLVED that the Town Board does hereby make a Determination of Non-Significance on said Action, and the Supervisor is hereby directed to issue the Negative Declaration as evidence of the Town Board determination of environmental non-significance.

Councilman Thompson seconded the resolution which was adopted by the following vote:

Vote: Ayes: 4 Nays: 0

PRESENTATION BY J.P. SCHEPP, MRB GROUP:

- See handout attached to these minutes
- He is currently working on the Mt. Morris, Caledonia and the potential Bennington solar projects
- Discussed who can receive intervener funds
- MRB Group would assist the Town through the Article 10 process
- Host Agreement – usually last for the life of the project. Right now payments are running from \$1,000-\$1,500 per megawatt
- MRB Group has an economic development department
- The Town should be thinking about retaining an attorney to assist in the Article 10 process, whether it's Paul Boylan or another attorney

· After some discussion regarding the necessity to hire an attorney to assist the Town through the Article 10 process, it was agreed by the Board that the Supervisor would contact Paul Boylan with the list of attorney names he receives from MRB Group, and have Paul Boylan contact them to see if they can come to a Special Town Board meeting on September 4th at 7:00 p.m.

A **motion** was made by Councilman Thompson to hold a Special Town Board Meeting of the Byron Town Board at 7:00 p.m. on September 4, 2019 to interview attorneys to help the Town Board and the Town Attorney through the Article 10 process. The motion was seconded by Councilman Klycek and carried with the following vote:

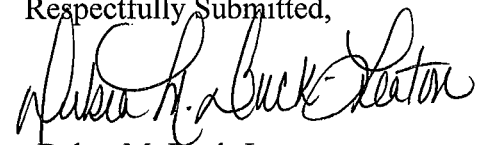
Vote: Ayes: 4 Nays: 0

ADJOURN:

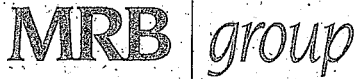
A **motion** was made by Councilman Thompson to adjourn the Special Meeting of the Byron Town Board at 8:48 p.m. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote: Ayes: 4 Nays: 0

Respectfully Submitted,



Debra M. Buck-Leaton
Byron Town Clerk



Town of Byron Excelsior Energy Center
Developer NextEra Energy Resources

Basic Background

280 mW solar rating

20 mW/4-hour energy storage

Project Area 3,418 Acres (1,500 – 2000 acres for solar energy center)

Article 10 – applies electric generating facilities with generating capacity of 25 mW or more.

Siting Board – oversees Article 10 process

Department of Public Service

NYSDEC

NYSDOH

NYSERDA

NYS Economic Development

2 Ad Hoc members (recommended by Town and County)

Public Involvement Program (PIP) Plan – Submitted April 24, 2019

2 Open Houses to be held

Pre-Application Phase

Preliminary Scoping Statement (PSS) – at least 150-days after PIP and 90-days before Application

Outlines project in detail (environmental/health impacts, identifies proposed studies, alternatives, local, state and federal requirements) - *earliest date is Sept. 23, 2019*

Must be provided to state local municipalities, libraries, etc.

Notice must be published in local paper

Public Participation

Intervenor Fund (Pre-App Phase)

To hire expert witnesses, consultants, lawyers, etc. make stipulations on PSS to contribute to a complete record.

Half the funds must go to the municipal parties & half to local parties

\$350/mW (up to \$200,000)

This Project = \$350/mW x 280 mW = \$98,000

Half to Byron = \$49,000

Application Phase

Complete all items identified in the Pre-Application

Filed with the Siting Board



Available for public inspection
Provided to interested parties

Intervenor Fund (App Phase)
\$1,000/mW (up to \$400,000)

This Project = \$1,000/mW x 280 mW = \$280,000

Half to Byron = \$140,000

Administrative Hearing

Siting Board sets within 60-days of receipt of complete application

Identify intervenors, awards intervenor funds, and establishes a case schedule

Siting Board Decision Phase

Reviews all application materials and makes findings on: impacts (environmental, electrical capacity, etc.), compliance with state laws and regulations, compliance with or override unreasonably restrictive local laws.

Compliance Phase

Pre-Construction – filing plans, permits, approvals

DPS – On-site Compliance – staff on hand to ensure compliance requirements are met

Long Term Compliance – Certificate may require long term compliance and decommissioning, etc.

Actions for Town of Byron

Be listed Party

Review DPS – Matter Master Website

Recommend Ad Hoc siting Board Members

Select consultants (engineers, legal, expert witnesses)

Negotiate escrow account with developer

Review and Comment on PIP

Request Intervenor Funds

Review and Comment on Pre-App

Review and Comment on Application

Negotiate PILOT (School – County – Town)

Negotiate Community Benefit Agreement (Town only)