

A special meeting of the Town Board of the Town of Sweden was held at the Town Hall, 18 State Street, Brockport, New York, on Tuesday, April 2, 2019.

Town Board Members present were Supervisor Kevin G. Johnson, Councilperson Patricia Hayles, Councilperson Lori Skoog and Councilperson Mary Rich. Councilperson Robert Muesebeck was absent. Also present were Finance Director Leisa Strabel, Town Attorney Jim Bell, Town Assessor Tammy Baker and Town Clerk Karen M. Sweeting.

Visitors present were Joan Hamlin, Don Grentzinger, John Bowser, Susan Smith, Kevin M. Johnson, Greg Sargis, Chris Hamlin, Clarkson Supervisor Christa Filipowicz, Clarkson Town Board Member Jackie Smith, Joseph Hens from Ingalls & Associates, LLP and Tom Guzek from Solarpark Energy.

Supervisor Johnson called the special meeting to order at 6:00 p.m. and asked everyone present to say the Pledge to the Flag and remain standing for a moment of silence to honor first responders and those defending our freedoms.

Supervisor Johnson stated the purpose of the special meeting was to consider setting the public hearing on the incentive zoning application received by Helios Energy New York 3, LLC.

Thomas Guzek, Managing General Partner of Solarpark Energy, introduced himself and Joseph Hens of Ingalls & Associates, LLP. Helios Energy NY 3, LLC is a major developer of community solar projects in New York State. The projects are devised by NYS to allow business and residential customers who are unable to place solar panels on their business/home to get the benefits by purchasing energy from large scale platforms in their area. The solar farms interconnect to the utility that services the area. Participants would sign up via a subscription contractor.

Mr. Guzek explained that the proposed area is former farm land and they intend to use approximately 68 acres that will have the ability to produce 10 megawatts of energy, which is enough to supply around 3,000 homes of average size. Helios would offer residents in the area primary access and be the first to engage and receive the benefit. The project would be constructed over 60 – 90 days once approval has been received. The panels are designed to follow the sun for maximum energy absorption. Helios tries to use local contractors for electrical and panel construction.

Mr. Guzek stated the panels are monitored 24 hours a day, 365 days for functioning. They will install fencing and cameras for safety and will be training the local fire department on how to handle any issues.

Joseph Hens shared a map of the general layout of the panels. He pointed out a 20-foot-wide gravel access road from Lake Road for maintenance vehicles. The fence will be 7 feet high and they will also add supplemental screening with landscaping from Lake Road. They will be disturbing 0.91 acres which falls below the threshold for DEC stormwater controls.

Mr. Guzek mentioned that the farmer has asked if they could continue using the land for pollinator type plantings. They have developed a seed mix for flowering plants that would attract bees and butterflies to pollinate farming communities in the area.

Mr. Hens said the design structure of the panels is temporary. A bond will be provided to the Town and provisions made if the panels ever need to be taken down and the property restored

to its natural state. Mr. Guzek added that they say “temporary”, but no one wants to remove something that generates revenue. The panels have a 25-year warranty and the lease is written for 25 years with 3 to 5-year extensions up to 40 years. Mr. Guzek feels there will be substantial improvements to solar panels and as efficiencies improve, they will make panel changes to sustain or improve energy. A portion of the property will be taken out of farm production and used on a commercial basis. Therefore, the property can no longer be classified as agricultural. The land will go back to a taxable parcel and they will have to pay a penalty for removing the agricultural status.

Councilperson Skoog asked how many panels would be installed. Mr. Guzek answered 30,000. Councilperson Rich wanted to know what would happen if the company was sold. Mr. Guzek explained that typically the owners of the projects are investment groups. They are obligated by the same agreements.

Supervisor Johnson asked Mr. Guzek to speak about the timing of the project. Mr. Guzek said they have been working on this project now for 8 months. They are one of the first entities doing a large-scale project in the state due to incentives offered by the government. The Governor is looking to convert most power from brown to green energy, 50% of power by 2040. Mr. Guzek said that the amount of funds available is declining and this project may be in jeopardy if they don't move forward quickly. He added that they are trying to accelerate approvals, not side step them. Without the incentives, there is a marginal rate of return.

Mr. Guzek offered the incentive of \$150,000 payable to the Town of Sweden upon commissioning of the project. They have discussed options with the Brockport School District and Monroe County as well. Mr. Guzek has made a request to the Town to get the project through the system to meet a critical time period to avoid potentially losing \$250,000 in funding. He added that they have been diligent in meeting Town Planning Board requirements so far.

Supervisor Johnson asked Mr. Hens to explain the requirements of SEQR (State Environmental Quality Review). Mr. Hens explained the standard SEQR review process and indicated that they feel the project will be classified as an unlisted action – they are only disturbing .91 acres. Mr. Johnson asked Town Attorney Jim Bell if he agreed. Mr. Bell indicated yes; a long form has been done. He felt comfortable with the Town of Sweden declaring lead agency and the unlisted action.

Councilperson Hayles asked if they had done any other projects this size in our area. Mr. Guzek answered that all other projects are in process – Towns of Wheatland, Rush, Avon and Hamlin, to name a few. Mr. Guzek explained that his part is to obtain the approvals, the PILOT agreements and the interconnection agreements with the utilities. Once obtained the project gets handed off to the construction companies.

Councilperson Hayles asked for clarification on the urgency to take advantage of the funds available through NYSEDA. Mr. Guzek explained the funding process. The developer gets approval on the project then applies to NYSEDA to secure a block of funds. They are at risk of other applicants that are further along in the process securing the funds within the current block. Supervisor Johnson understands that there are marginal returns for these projects without the incentive, but the Town Board's concerns are what is best for the residents. The Town needs to look at environmental factors and decide whether we want to be on the leading edge of green energy or behind it. Mr. Johnson said that what the board needs to determine at this point is the timing of the public hearing. Discussion of dates and time frames for publication of the notice. Mr. Guzek stated that if they miss the current block of funding, they may have to wait, and the amount of funding may be less. He reminded the board that they have already been through the

public hearing process with the Planning Board and received no negative comments from the public at that time. Mr. Johnson understood from the Planning Board that there was virtually no opposition but didn't want to prejudge the public hearing indicating that residents may have comments on the rezoning. Discussion.

Supervisor Johnson suggested holding the public hearing on Tuesday, May 7, 2019 at 7 p.m. providing for 35 days for notice of the hearing. He summarized a number of economic benefits to the Town including the \$150,000 incentive, the addition of the parcel back on the tax roll at full assessed value and the added benefit of another business coming to the Town. Mr. Guzek added that the Town would also be taking a lead role in energy conversion in NYS. He felt that with the climate changes, it is critical to look at more improved, faster ways to get to a carbon free environment.

No other comments.

RESOLUTION NO. 56

Ordering Public Hearing on Helios Energy
NY 3 LLC Incentive Zoning Application

WHEREAS, the Town Board of the Town of Sweden has received an incentive zoning application from Helios Energy New York 3 LLC to allow a change of use for a solar farm site in the R1-2 One Family Residential District in exchange for donations of funds in place of other amenities; and

WHEREAS, the property is identified as a 114.7 +/- portion of Tax ID Number 098.04-1-2.1, on the west side of Lake Road (Route 19) near the intersection of Swamp Road; and

WHEREAS, the Town Board must conduct a public hearing on an incentive zoning application pursuant to Section 175-22(F) of the Town Code of the Town of Sweden so all persons desiring to be heard for or against such application shall be heard; and

WHEREAS, the Helios Energy NY 3 LLC has requested that the Town Board of the Town of Sweden waive the 45-day period for holding a Public Hearing as the proposed Public Hearing date of May 7, 2019 is 35 days from this date of April 2, 2019.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden waives the 45-day Public Hearing Requirement and Sweden will hold a Public Hearing at the Town Hall, 18 State Street, Brockport, New York, on Tuesday, May 7, 2019 at 7:00 p.m. to hear all persons desiring to be heard for or against the incentive zoning application from Helios Energy New York 3 LLC to allow a change of use for a solar farm site in exchange for donations of funds in place of other amenities.

Sec. 2. That the Town Clerk is hereby authorized and directed to publish said Public Hearing in the official newspaper of the Town as required by law.

Sec. 3. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Skoog
Seconded by Councilperson Hayles

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Hayles	<u>Aye</u>
Councilperson Muesebeck	<u>Absent</u>
Councilperson Rich	<u>Aye</u>
Councilperson Skoog	<u>Aye</u>
Supervisor Johnson	<u>Aye</u>

Submitted – April 2, 2019

Adopted

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Hayles moved to adjourn the April 2, 2019 special meeting of the Sweden Town Board at 6:54 p.m. Councilperson Skoog seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting
Sweden Town Clerk