

**VIRGIL TOWN BOARD
PUBLIC HEARING ON SUN8 SOLAR ENERGY PROJECT 2017
JULY 24, 2017**

PRESENT: Supervisor John Kaminski, Board Members Jereme Stiles, Eric Snow, Matthew Denniston, Gary Pelton, Town Clerk/Collector Alane Van Donsel, Attorney Patrick Snyder, Bharath Srinivasan SUN8 PDC LLC, Carol Lathrup Planning Board, Jeffrey Hall Zoning Board, John Coulter Zoning Board. Community Members Donna Lynch.

5:00 PM – THE PUBLIC HEARING WAS CALLED TO ORDER Supervisor Kaminski called the meeting to order.

READING OF THE PUBLIC NOTICES: Supervisor John Kaminski opened the Public hearing and asked the Virgil Town Clerk Alane Van Donsel to read the published public notices.

LEGAL NOTICE: Published in the Cortland Standard July 19th, 2017

PLEASE TAKE NOTICE that the Virgil Town Board will hold a public hearing and special meeting to consider public comments on the proposed SUN8 solar energy project. The project would consist of 24 acres of solar arrays on 2 tax map parcels each producing up to 2 MW of electricity. The property is located on the east side of Page Green Road, south of Tower Road and the Cortlandville line, on parcels 106-4-6 and 107-2-3. A special permit and aquifer permit are needed from the town board. Copies of the plans and related studies are available at the town clerk's office.

The public hearing will be held on July 24, 2017 at 5:00 PM at the Virgil Town Hall, 1176 Church Street, Virgil NY 13045. All interested persons will be heard, and written comments may be submitted prior to or at the hearing.

Supervisor Kaminski then opened the floor for comments.

COMMENTS: John Colter of 430 Nye Rd. asked the representative from Sun8 what the advantages of this solar project is for Virgil residents. Bharath Srinivasan from Distributed SUN said that Community solar projects generate electricity that community members can purchase and a credit is given to those who purchase it at a discount. He said that a 2 Mega Watt array can power up to 500 homes. And two arrays can power up to some 1000 homes. He said they are looking to include Broome County in zone C and any resident or business that is served by National Grid. Coulter wanted to know if any notification was given to home owners. Srinivasan said that once the project is approved and they have a signed contract with National Grid, then they will market it to customers. They will set up a website and they will enter in addresses and create account numbers. He said that the law is unclear as to when they can start selling the power. Once all approvals are in place then they can market it. He said that they usually set up at a table at schools, games, or farmers markets. He said that across the state they have 100 megawatts. Coulter wanted to know if the government subsidized this project. Srinivasan said that they do receive a tax credit. Coulter- wanted to know if they get a break on local taxes. He wanted to know if they will be paying taxes on the assessed value of the property at the same rate as all tax payers. Srinivasan said that they work with the local IDA. He said that fixed revenue can go up or down, depending on sunlight. He said that they need to have an understanding with local assessor. He said that instead of having an assessment that depreciates they are agreeing to pay taxes on a flat assessment as opposed to a depreciating assessment. He said this keep taxes flat for over 30 years. He said that what they are not paying in year one they are paying it in the future. He said that they can't sustain on a year to year assessment. He said that if there is a spike in taxes, it would break a solar project. The IDA gives a 30-year pilot and they will make a payment in lieu of taxes. Member Stiles asked if they had a Pilot agreement now. Srinivasan said that they do have 30-year pilots in other counties in NY. He said that the Towns local assessor comes up with assessment in the first year and they pay on a fixed schedule with a two percent increase per year. Supervisor Kaminski said that the IDA is a county program. Member Stiles said that there are a lot of pilots in this town that should never have been given. It was stated that if you default on a pilot property you have to pay the full amount. Attorney Snyder asked if they had drafted a pilot with Cortland County and he was wondering if that had a payback figure in mind under the IDA. Sr Srinivasan said that they won't go to them until they have approval. He said that they prefer to lease land and the land owner continues paying taxes on the property.

Attorney Snyder thought that New York State law exempted pilots from tax increases, under Sec. 48-7. Unless a municipality opted out and Virgil has not opted out. It was stated that in Yates a Chenango counties there is a 15 year exemption on a 30 year pilot. It stated that in 15 years they wouldn't see taxes, but they would be paying them anyway.

Srinivasan said that that starting point on the assessment is based on comparable sales and based on what the system costs at the start. Srinivasan said they will sit down with assessor to figure it out. Tompkins County came out with a rate of 8000 megawatt, however all New York Projects are at different levels. Snyder clarified if he was speaking of 8000-16,000 per year- per megawatt. Srinivasan said yes. He said that 80% of New York properties are in depreciation and they won't pay any less.

John Coulter asked what the life expectancy of this project was and he was wondering if these panels will be obsolete.

Srinivasan said they probably will be, but it takes thirty years on the rate of return. He said they will have no reason to remove the arrays because all costs are upfront. He said that newer projects will get built and older projects will live their lives out. Srinivasan went on to talk about Silicon. He said the panels made up of simple single junction solar cells and that advanced solar cells have more than one material and there are problems with them. The panels are not manufactured in the USA. There were two companies in the USA that both went bankrupt. The factory they are manufactured in is extremely automated.

Coulter wanted to make sure that the public is aware of the public hearing. And he wanted to know if the immediate neighbors were contacted. Are they just relying the legal notice in the paper? He said that once upon a time on Nye rd. there was something done and he was notified. He said that that used to happen all the time by law. Member Pelton wanted to know if the neighbors were notified. Donna Lynch the land owner said she spoke to all the neighbors except one, whom she didn't know. Carol Lathrup said that one of the neighbors is the president of the Cortland standard, so he should know about it. Town Clerk van Donsel said that the hearing was posted on the website and on the bulletin board at the town hall. She also said that she sent out an E-mail to the towns Email subscription list.

WRITTEN COMMENT: Town Clerk Van Donsel read a written comment from Richard Butney:

Name: Richard Buttny

Subject: community solar

Message: I cannot make the public hearing today but I would like to express my support for the community solar project on Page Green Rd. I have read the Cortland Co. Planning Board overview & recommendation. If the safe guards cited in the Co. Planning Board document can be met, the solar farm would be a welcome addition to the community plus a step towards energy independence & reduced electric bills.

CLOSE THE PUBLIC HEARING: Member Stiles made a Motion to close the public hearing. Member Denniston second the motion. Vote: Aye: Members Pelton, Snow, Denniston, Stiles and Kaminski. NAY: None.

REVIEW OF THE FULL ENVIRONMENTAL ASSESSMENT FORM PARTS 1,2 and 3: The Town board went through the Full Environmental Assessment Form. Super visor Kaminski asked the board if they had any questions on Part1-. Member Pelton asked if they are sure there aren't any archeological sites. Srininasan said that SHPO came in and said that there are no concerns with the sight.

Part 2- Member Denniston asked if the board is supposed to answer these questions. Attorney Snyder said that this section is to isolate any impact that might be moderate or large at the site. Snyder said that the Impacts are nonexistent. Denniston asked about Sec. C E2A- regarding the question if the total project is more than ten acres. He wasn't clear on how to make the interpretation. Snyder said that the potential issue is that the project is 24 acres, but he feels it's a small impact or no impact so the answer is no. There was some question about ground water. Srininasan said that Otter Creek is a federal wetland and that part of the creek runs through the property. He wanted to bring that to the boards attention, however it was determined that the creek is only on a tiny portion of the land and it is more than 800 feet from the project. It was also stated that it is dry most of the time. There were some questions on the Impact of flooding. Denniston wanted to know how the board makes that determination. Srininasan said that is handled by the DEC and they will have to issue a special permit. Member Stiles wanted to know if an engineer will sign off on that and Srininasan said yes. Pelton said that he is afraid if all of a sudden Otter Creek overflows due to this project. Srininasan said that if that happened they will come back and fix it. Srininasan said that the terrain is made of bedrock and has a shallower base. He said they will not have to do much digging and they do not intend to do any blasting. There was a question on the impact of the air. It was stated that there won't be any. The board continued the process of going through the Environmental Assessment form and found no impact concerns found and a negative declaration was declared.

RESOLUTION# 14-088 APPROVAL OF THE ENVIRONMENTAL ASSESSMENT FORM DECLARING A NEGATIVE DECLARATION: Member Denniston made a motion to declare negative environmental impact on the solar project on Page Green Road. Member Pelton seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None.

FURTHER DISCUSSION: Distributed SUN representative asked about getting a special permit. Attorney Snyder said that both the special permit and aquafer permit will have to be deferred to the Planning and Zoning Boards.

With no further business to discuss, Member Denniston moved to adjourn the meeting at 5:59 PM. Member Stiles seconded the Motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays: None.

Respectfully Submitted,

Alane Van Donsel

Virgil Town Clerk