

**VILLAGE OF RED HOOK
SPECIAL MEETING
6-17-19
7:00 pm**

Present: Mayor Blundell, DM Kovalchik, Trustee Norris,
Trustee Trapp, Assistant Clerk Drewes
Absent: Trustee Laing

Mayor Blundell motioned to open the meeting. He stated that the topic of discussion would be SEQRA and Monroe Balancing Process for the community solar project.

Mayor Blundell stated that SEQR Part I & Part II of the project had already been dealt with and now we are looking at Part 3. Engineering, legal and other input has been included in the review. He stated that he agrees with the SEQRA assessment that there will be no significant negative environmental impact in developing a solar project on our well-fileds. He reviewed the Neg Dec and read the narrative aloud.

DM Kovalchik made a motion to approve to Neg Dec, and Trustee Norris seconded the motion. All were in favor.

Trustee Trapp read Resolution # 28 – 2019

VILLAGE OF RED HOOK

A special meeting of the Village of Red Hook was convened in public session at the Village Hall, 7467 South Broadway, Red Hook, New York on June 17, 2019. The meeting was called to order by Mayor Blundell and, upon roll being called, the following were present:

PRESENT:

ABSENT:

The following Resolution was offered by Kovalchik, seconded by Norris, to wit:

RESOLUTION TO ADOPT A NEGATIVE DECLARATION

RESOLUTION # ____28____ - 2019

WHEREAS, the Village Board has reviewed a proposed conceptual site plan entitled "Photovoltaic (Solar Electric) Site Plan," prepared by SunCommon, last revised June 6, 2019, together with visual renderings, for the co-location of solar panels and related infrastructure with the Village's well infrastructure located at Glen Pond Drive.

The Red Hook Community Solar Project is proposed to consist of the installation of a 1.73 MW AC community solar array on an approximately 9.5-acre portion of parcel 6272-14-400497-0000, located in the Town of Red Hook, with access via parcel 6272-14-400497 in the Village of Red Hook, each owned by the Village of Red Hook; and

WHEREAS, the project will include a lease of the project site by the Village of Red Hook to the project sponsor together with access via an existing gravel drive serving the Village well site; the clearing of approximately 1 acre of trees; installation of ground mounted solar modules, mounted two high in portrait, not exceeding 9' in height; and a power purchase agreement between the project sponsor and the Town of Red Hook; and

WHEREAS, power generated by the proposed facility will provide clean energy to participating members of the local community and municipally-owned facilities; and

WHEREAS, on May 2, 2019, pursuant to the State Environmental Quality Review Act, the Village Board classified the project as an unlisted action, and declared itself lead agency, to which no other agency has objected; and

WHEREAS, the Village has reviewed a Full Environmental Assessment Form dated May 2, 2019, as supplemented by the site plan and information obtained through its own knowledge, its consultants and other agencies; and

WHEREAS, the Village Board has held a public hearing on May 16, 2019 and June 6, 2019, at which information regarding the project was presented and members of the public were provided an opportunity to comment; and

Whereas, the Village Board has considered the criteria contained in 6 NYCRR § 617.7 and thoroughly analyzed all identified relevant areas of environmental concern.

NOW THEREFORE BE IT RESOLVED, by the Board of Trustees of the Village of Red Hook as follows:

1. The Board of Trustees hereby determines that the project as proposed will not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement will not be prepared and adopts the attached Notice of Determination of Non-Significance.
2. The Board of Trustees authorizes the Mayor to complete and sign page 2 of Part 3 of the EAF.
3. The Village Clerk is hereby authorized and directed to provide copies of the attached Notice of Determination of Non-Significance to the Mayor, all involved and interested agencies, and to the Environmental Notice Bulletin for publication.

Motion by: Kovalchik

Seconded by: Norris

Vote:

Ed Blundell	Voting <u>AYE</u>
Brent Kovalchik	Voting <u>AYE</u>
Charles Laing	Voting <u>ABSENT</u>
Jennifer Norris	Voting <u>AYE</u>
Jay Trapp	Voting <u>AYE</u>

This moved the meeting to address the Monroe Balancing Process.

Mayor Blundell reminded al that the land is village owned but in the Town of Red Hook. A project requires the application of Town zoning laws to the project; it is an allowed use.. Counsel for Town and Village have reviewed and summarized details of the process and we will comply with Attachment A, which includes sections from the Town zoning laws.

Trustee Trapp read Resolution # 29 – 2019

VILLAGE OF RED HOOK

A special meeting of the Village of Red Hook was convened in public session at the Village Hall, 7467 South Broadway, Red Hook, New York on June 17, 2019. The meeting was called to order by Mayor Blundell and, upon roll being called, the following were present:

PRESENT: Blundell, Kovalchik, Norris, Trapp

ABSENT: Laing

The following Resolution was offered by Mayor Blundell, seconded by to wit: Trustee Trapp.

RESOLUTION DETERMINING APPLICATION OF TOWN AND VILLAGE ZONING LAWS TO COMMUNITY SOLAR PROJECT, #29 - 2019

WHEREAS, the Village Board has reviewed a proposed conceptual site plan entitled “Photovoltaic (Solar Electric) Site Plan,” prepared by SunCommon, last revised June 6, 2019, including visual renderings, landscape plan and survey, for the co-

location of solar panels and related infrastructure with the Village's well infrastructure located at Glen Pond Drive. The Red Hook Community Solar Project is proposed to consist of the installation of a 1.73 MW AC community solar array on an approximately 9.5 acre portion of parcel 6272-14-400497-0000, located in the Town of Red Hook, and owned by the Village of Red Hook. The project will include a lease of the project site by the Village of Red Hook to the project sponsor together with access via an existing gravel drive serving the Village well site; the clearing of approximately 1 acre of trees; installation of ground mounted solar modules, mounted two high in portrait, not exceeding 9' in height; and a power purchase agreement between the project sponsor and the Town of Red Hook. Power generated by the proposed facility will provide clean energy to participating members of the local community and municipally-owned facilities; and

WHEREAS, the Village Board has held a public hearing on May 16, 2019 and June 6, 2019, at which information regarding the project was presented and members of the public were provided an opportunity to comment; and

WHEREAS, pursuant to the State Environmental Quality Review Act, the Village Board has classified the project as an unlisted action, has declared itself lead agency, to which no other agency has objected, has reviewed the Full Environmental Assessment Form dated May 2, 2019, as supplemented by the site plan and information obtained through its own knowledge, its consultants and other agencies, and has approved a negative declaration regarding the project; and

WHEREAS, based on the recommendation of the Town's Energy Committee, the Town by resolution dated March 28, 2018 authorized the development of a request for proposals to be developed in cooperation with the Village of Red Hook and subject to approval by the Village as to the terms and conditions for the use of the proposed project site, the Town released the RFP on January 14, 2019, evaluated responses for the provision of a power purchase agreement, and by resolution dated February 27, 2019, authorized negotiation with Solar Communities, Inc., a Vermont Corporation, d/b/a SunCommon for a project sponsor agreement as described in the RFP; and

WHEREAS, pursuant to authorization of the Town Board dated May 29, 2019, the Town provided written comments to the Village Board dated May 30, 2019 in advance of the June 6, 2019 public hearing regarding the findings discussed below; and

WHEREAS, the Village Board has undertaken a review of the project in order to determine whether and to what extent the Town of Red Hook's zoning laws apply to the proposed project, taking into account the nine factors set forth in *Matter of County of Monroe v. City of Rochester*, as follows:

1. The nature and scope of the instrumentality seeking immunity.

The Village is a general purpose governmental entity and a political subdivision of the State of New York.

2. The encroaching government's legislative grant of authority.

Pursuant to New York State Village Law § 1-102(1) and § 4-412(1), the Village is a general purpose governmental entity with the authority to manage municipal property and finances, to adopt land use regulations, and to carry out projects for the benefit of the Village. Pursuant to New York State Village Law § 11-1128 and Energy Law § 21-106, the Village may lease land used for its water supply and distribution system for use as a solar facility provided it is not necessary for other Village purposes.

3. The kind of function or land use involved.

The Town on behalf of the Town and Village solicited proposals pursuant to an RFP to enter into a power purchase agreement with a project sponsor who would lease a portion of the Village's well site located in the Town, in order to erect a 1.73 MW AC community solar array. Pursuant to Public Service Commission Case 15-E-0082, the Town, other municipal entities, and local residents who enter into purchase power agreements with the project sponsor will make payments for electric output delivered to Central Hudson and will receive from Central Hudson the "value of distributed energy resource credits" ("VDER") under the NYSEERDA Community Distributed Generation Program. The RFP specified that the sponsor would provide an option to purchase the system to the Town, subject to the terms of the Village site lease.

4. The effect local land use regulation would have upon the enterprise concerned.

The Town of Red Hook regulates solar energy systems in its Zoning Law. The site is within the B2 Zoning District. The size of the proposed project means it would be considered a Large Solar Energy System under the Town of Red Hook Zoning Law, defined as "A solar energy system with a rated capacity of 200kW or larger, the principal purpose of which is to provide electrical power for sale to the electric distribution or transmission system or to be sold to other power customers and may include both physical or virtual aggregation, or to be consumed on site." Such a use is a permitted principal or accessory use subject to special use permit and site plan approval in the B2 District. In addition to special use and site plan regulations within the Zoning Law, the project would be subject to solar-specific provisions as set forth in Zoning Law § 143-37. The height of a fence is limited to 6 feet.

The project is proposed to be designed, constructed, and operated substantially in compliance with the area standards set forth in the Town's Zoning Law including the required setbacks, design elements from the Zoning Law such as visual screening, and the use of antireflective materials in order to minimize visual impact and address community considerations. Based on input from Town and Village residents and officials, the project sponsor has proposed to increase the required setback from the residential properties on the southern parcel boundary to 130 feet. The expanded setback also allows for the installation of additional vegetative screening and a fence designed to assist in screening the solar panels from view. The proposed fence of 8 1/2

feet on the southerly boundary and 7 feet on the east and west boundaries would exceed the normally required limit of 6 feet within required setbacks in order to enhance screening and comply with NYS code requirements for the project which require a higher fence.

Should the Board find that the Project is not immune from site plan and special permit review under the Town's Zoning Law, the Village and Project sponsor would need to obtain special use permit and site plan approval to construct the proposed solar facility and variance for the fence. Complying with such procedures would result in additional costs and time delays due to the length of the review process and the need to pay consultants. Based on the current PSC orders governing the value of distributed energy resource credits (VDER) program and other available system incentives, delays may cause the project to become financially infeasible. Current NYSEERDA incentives dropped in February 2019, and are expected to be eliminated within 6 months. Federal investment tax credits available for the project drop from 30% to 26% in January of 2020. Coordination with Central Hudson involves a substantial time delay from the time the project is initiated.

The Town Zoning Law includes certain building code and maintenance requirements in Section § 143-37 (E), (F) and (G) and § 143-37(D)(e) thorough (j), a copy of which is attached at Attachment A. Adherence to those provisions would not adversely impact the feasibility of the project or the Village's interest in its timely completion and would be in the public interest in order to protect the public health, safety and welfare.

5. Alternative locations for the facility in less restrictive zoning areas.

There is no alternative location available for the project with less restrictive zoning. The project site must be adequately sized and relatively flat. The project must be located near a feasible interconnection point with Central Hudson. The proximity to three phase power is a critical factor in determining the financial feasibility of any medium to large scale solar project.

There is an existing three-phase power line on Firehouse Lane which can carry a significant load for the Village and Town, creating an opportunity to feed into and offset that load. One other key component associated with this site is the availability of a site already owned by a municipality. The cost of interconnection and the cost of land acquisition are significant factors often making such projects infeasible. By co-locating the project with the Village well site within the Town, the Village is able to maximize revenue from an existing resource, obtain increased autonomy over its power sources, provide a benefit by pursuing more environmentally friendly energy sources, and signal to the world that it cares about the environment.

6. The impact upon legitimate local interests.

Immunity from local land use regulations would allow the Project to go forward, which would allow both the Village and Town to obtain energy from local solar sources.

The Village conducted a detailed analysis of the environmental impacts of the project and determined to issue a Negative Declaration pursuant to the State Environmental Quality Review Act. In addition, the Project is designed to be in compliance with the Town of Red Hook Code's use and setback requirements, and has incorporated design elements from the Zoning Law such as visual screening and the use of antireflective materials in order to minimize visual impact and address community considerations. As noted above, the project will remain subject to compliance with the maintenance requirements of the Town's Zoning Law referred to above and to the Towns' Fire Prevention and Building Construction Code. Therefore, regardless of immunity, the Town's interests as laid out in its Zoning Law will be adequately protected.

Finally, the grant of immunity is beneficial to local interests, as the feasibility of the Project faces time constraints. The value of distributed energy resource credits (VDER) and NYSERDA community distributed generation (CDG) incentives available for the development of the project are being reduced over time and will be further reduced by delays in the project timeline. The sponsor has provided a proposed project schedule intended to maximize the remaining available benefits. Any changes in this schedule would potentially impact the available pricing advantages to the participating municipalities. If the Project is required to comply with site plan and special permit and variance procedures, it may quickly become less and less cost effective, which decreases the benefit to the Village and Town and their residents.

7. Alternative methods of providing the proposed improvement.

The project goal is to provide local sources for solar power usable within the community. By 2015 PSC Order E-0082 and its subsequent orders, the New York State Public Service Commission established the framework for the implementation of community net metering and a Community Distributed Generation Program. This framework can open up the possibility of solar energy use to a large portion of the population, estimated at 75%, who cannot accommodate solar panels on their own property. The proposed project would take advantage of the state's incentive program to allow those who cannot site solar facilities locally on their own buildings or sites, whether due to orientation, vegetation, or otherwise, to participate in climate change initiatives.

8. The extent of the public interest to be served by the improvements.

With the assistance of a NYSERDA grant, the Town under the guidance of the Conservation Advisory Committee developed an Energy and Climate Action Plan in 2012 setting forth goals to support a trajectory for achieving the goal of a 20 percent total emissions reduction by 2020. The development of the Climate Action Plan included a series of public meetings and key stakeholder outreach regarding the development and potential implementation of the plan.

The Climate Action Plan included as its “ENERGY 20/20 GOAL 3” production of more energy within the Town and Villages of Red Hook and Tivoli from on-site renewable sources. The plan identified the following suggested actions:

- 1) Make an investment fund available to finance community-scale renewable energy installation.
- 2) Facilitate the installation of at least 2 megawatts of on-site solar energy.
- 3) Investigate solar leasing and/or power purchase agreements (PPAs) for large-scale solar installations, and how to distribute the power and refund local investors for the electricity produced.
- 4) Organize outreach events to inform the public about the strong incentives offered by New York State to purchase renewable energy systems for homes and businesses. Partner with local outreach organizations to organize and implement these events.

The Village and Town are both members of DEC’s “Climate Smart” communities program. The Town appointed a local climate change task force including members of the Conservation Advisory Committee and Energy Committee and others to provide the Town Board with information about establishing and implementing climate smart initiatives, to propose new ideas, and to identify funding sources for projects and paybacks from investments.

The policy goals of the project are heavily favored by the New York State government, which has made the promotion and use of green energy a significant part of the State’s future. The State of New York has created the New York Sun Incentive Program to encourage the development of solar PV through a Value of Distributed Energy Resource Program, including an upfront Community Distribution Generation incentive in the Central Hudson service area.

By 2015 PSC Order E-0082 and its subsequent orders, the New York State Public Service Commission established the framework for the implementation of community net metering and a Community Distributed Generation Program. This framework can open up the possibility of solar energy use to a large portion of the population, estimated at 75%, who cannot accommodate solar panels on their own property. The Village recognizes that the PSC has developed incentives to encourage opening up solar opportunities to these property owners.

Pursuant to Public Service Commission Case 15-E-0082, the Town, other municipal entities, and local residents who enter into purchase power agreements with the project sponsor will make payments for electric output delivered to Central Hudson and will receive from Central Hudson the “value of distributed energy resource credits” (VDER) under the NYSERDA Community Distributed Generation Program. The program allows those who cannot site solar facilities locally on their own buildings or sites to participate in climate change initiatives. The provision of electricity from the Project can benefit the local electrical grid by adding voltage support which can help reduce peak load, potentially mitigating future utility upgrades to the feeder and substations associated with currently planned municipal growth..

In response to the state tax cap mandate in 2016, Dutchess County undertook a study of potential shared services opportunities. The Town and Village have undertaken shared services projects such as the Town highway garage. In order to help meet the goals of the Town's 2012 Climate Action Plan, the Town has authorized additional building specific solar and insulation installations at the Town Hall and Town Highway Garage as part of meeting climate action goals. The Village and Town collaborated on a 2010 NYSERDA grant to install solar panels at the Village's firehouse. The Village and Town obtained grants, with technical support of the Town Energy Committee and CAC, and installed vehicle charging stations at the Village and Town parking lots. The Town recently authorized participation in a Community Choice Aggregation program by adoption of a local law and authorization of program agreements. (The Town's CCA program opportunity is currently not available to village residents or demand customers such as the Town and Village municipal accounts.)

It is in this context that the Town and Village have worked in cooperation to study the potential for the proposed project. The Village will maintain ownership and control of the wellfield and include provisions for future wells and maintenance of existing wells. The Village would benefit from maximizing the potential revenue from its underutilized well site while identifying a use compatible with the water source. Certain potential uses, such as farming, would not be viewed as compatible. The Town and Village identified the Village well site as a location on which they could co-locate solar facilities, and in doing so they will provide yet another shared service opportunity in line with the County's goals.

This means of implementing the Project also has the benefit of providing the Town with increased autonomy over energy sources, as it will have the opportunity to eventually purchase the solar facility. The RFP includes the right to purchase the solar facility to operate for the benefit of the public entities and other community members, potentially reducing costs over the long term.

The provision of clean energy at a reduced cost to the Town and Village is of great importance as it will benefit the Town and Village financially and reduce the negative impacts associated with fossil-fuel consumption. The harms of greenhouse gas emissions as well as the benefits of the use of solar are outlined in the Town of Red Hook Climate Action Plan, which outlines how setting an example for other towns and cities across the country is an important role to play in the ongoing sustainability transformation. The Town and Village's efforts in this area speak to this commitment. The proposed project will serve the public by helping to improve the quality of life of future generations.

9. Intergovernmental participation in the project development process and an opportunity to be heard.

The Town and Village, with funds provided by a 2017 grant from Dutchess County, conducted a study to determine the feasibility of different sites within the Town for a solar project based on geographical factors such as property size and proximity to

Town, Village, and existing Central Hudson facilities. The Town and Village identified the Village well site as a potentially underutilized location on which they could co-locate solar facilities. In connection with the County funded study, the Town met with representatives of Central Hudson who advised that planning for the Village's well site would be favorable in that interconnection costs would be significantly less than almost all other locations in the Town. Their preliminary analysis identified this as a good feeder line for a project of this size.

Based on the preliminary site identification, the Town with the technical assistance of its CAC and Energy Committee issued an RFP on behalf of itself and the Village to identify a potential project sponsor and determine a financially feasible project co-located with Village's well site. The Town and the Village approved an Intermunicipal Agreement by resolutions dated May 14, 2019 and May 2, 2019, respectively, for the coordination of project analysis and review of the solar project.

The RFP solicited proposals for a purchase power agreement with a project sponsor that would lease property in the Town, owned by the Village, and erect a 1.73 MW AC community solar array thereon. The agreement was intended to provide for a potential municipal purchase in order to maximize the potential cost savings for the municipalities.

The Project has been the subject of properly noticed public hearings, at which the Town and Village residents have had an opportunity to be heard. The input gathered has been duly considered and has aided in determining how the Project will be designed and implemented based on a review of these considerations by both the Town and Village.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF RED HOOK, as follows:

1. Based on the foregoing, the Village Board finds that the construction of the proposed solar project is immune from the application of the Town's Zoning Law, provided that the project shall be subject to Sections § 143-37(E), (F), (G), and D(e) through (j) of the Town's Zoning Law, including the requirement for issuance of a building permit, in order to ensure the protection of the public health, safety and welfare.
2. A final site plan shall be submitted to and approved by the Village Board and executed by the Mayor, and a copy filed in the office of the Village Clerk and the Town Clerk.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Ed Blundell	Voting <u>AYE</u>
Brent Kovalchik	Voting <u>AYE</u>
Charles Laing	<u>ABSENT</u>
Jennifer Norris	Voting <u>AYE</u>
Jay Trapp	Voting <u>AYE</u>

Dated:

Attachment A

Excerpts from Town Zoning Law Section 143-37:

143-37 D. (3) Large solar energy systems.

(e) The solar energy system meets the requirements of § 143-37D(1)(c)[7].

[Solar energy system components shall be designed with an anti-reflective coating. Verification shall be provided to the Code Enforcement Officer that the components of the solar energy system have this quality.]

(f) The solar energy system shall be properly maintained and be kept free from hazards including, but not limited to, faulty wiring, loose fastenings, and creation of an unsafe condition or detriment to public health, safety or general welfare.

(g) The solar energy system owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Red Hook Fire Company's Fire Chief. The owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar energy system shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

(h) The solar energy system shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The Planning Board shall determine the type of fencing, giving due consideration to the importance of maintaining wildlife movements and landscape connectivity. The solar energy system and the fencing itself may be further screened to avoid adverse aesthetic impacts.

(i) The applicant shall minimize the number and width of access roads, avoid or minimize cut and fill on sloping terrain and use natural terrain where feasible for access points.

(j) Large solar energy systems are considered abandoned after 365 days without electrical energy generation and must be removed from the property. To ensure the proper removal of large solar energy systems, a decommissioning plan shall be submitted as part of the special use permit application. Compliance with this plan shall be a condition of the issuance of a special use permit under this section. The decommissioning plan must specify that after the large solar energy system can no longer be used, the applicant or any subsequent owner shall remove it. The plan shall demonstrate how the removal of all infrastructures and the remediation of soil and vegetation shall be conducted to return the parcel to its original state, prior to construction. Removal of large solar energy systems must be completed in accordance with the decommissioning plan. If the large solar energy system is not decommissioned after being considered abandoned, the Town may remove the system, restore the property and impose a lien on the property to cover the costs of such removal and restoration to the Town.

143-37 E. Requirements for all solar energy systems.

- (1) All solar energy systems in the Town of Red Hook shall comply with the following:
 - (a) Solar energy systems shall not be installed within a designated wetland as defined by the New York State Department of Environmental Conservation, the United States Army Corps of Engineers or within any locally protected wetland.
 - (b) A ground-mounted solar energy system shall not be installed in the AB District on Important Farmland as defined in § 143-4 and if on a farm, only where consistent with a Farmland Protection Plan as defined in § 143-4, prepared in accordance with this Zoning chapter. Design of ground-mounted solar energy systems shall favor concurrent use of the land for livestock grazing or similar sustainable use.
 - (c) Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of ground-mounted solar energy systems or otherwise prescribed by applicable laws and regulations.
 - (d) All solar energy systems that are connected to the electric distribution or transmission system shall obtain an interconnection agreement with the applicable electric utility. Solar energy systems connected directly to the distribution or transmission system must obtain an interconnection agreement with the interconnecting electric utility. Off-grid systems are exempt from this requirement.
 - (e) The solar energy system shall comply with the New York State Uniform Code, as amended, and any additional electrical and safety regulations adopted by the State of New York.
 - (f) A qualified solar installer as defined herein shall install all systems.
 - (g) All exterior electrical lines shall be placed in conduit and buried.
 - (h) [Not applicable]

143037 F. Inspection, safety and removal.

- (1) The Town of Red Hook reserves the right to inspect a solar energy system for building or fire code compliance and safety with twenty-four-hour notification to the property owner and/or owner-operator of the system.
- (2) Fencing to prevent unauthorized access shall enclose all ground-mounted medium and large solar energy systems. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing.
- (3) Medium and large solar energy systems shall be removed, at the owner's or operator's expense, within 365 days of determination by the Code Enforcement Officer that the system is no longer being maintained in an operable state of good repair or is no longer supplying solar power. Such an order shall be in writing, shall offer the option to rectify, and shall notify the owner, property owner, or facility operator of his or her right to appeal such determination to the Zoning Board of Appeals.
 - (a) Removal shall include solar collectors, cabling, electrical components, accessory structures, and any associated facilities below grade.
 - (b) Disturbed earth shall be graded and reseeded.
- (4) If upon inspection the Town of Red Hook determines that a violation of the New York State Uniform Code exists, or that the system otherwise poses a safety hazard to persons or property, the Town of Red Hook may order the owner, property owner, or facility operator to repair or remove the system within a reasonable time as determined

by the Code Enforcement Officer in accordance with the procedures in § 74-16 of the Town Code.

(5) If a system owner, property owner, or facility operator fails to repair or remove a solar energy system as ordered, and any appeal rights have been exhausted, the Town of Red Hook may enter the property, remove the system and charge the system owner, property owner, or facility operator for all costs and expenses of removal, including reasonable attorney's fees or pursue other legal action to have the system removed at the system owner, property owner, or facility operator's expense.

(6) In addition to any other available remedies, any unpaid costs resulting from the Town of Red Hook's removal of a vacated abandoned or decommissioned solar energy system shall constitute a lien upon the real property against which the costs were charged. Legal counsel for the Town of Red Hook shall institute appropriate action for the recovery of such costs, plus attorney's fees, including, but not limited to, filing of municipal claims pursuant to the cost of such work, 6% interest per annum, plus a penalty of 5% of the amount due plus attorney's fees and costs incurred by the Town of Red Hook in connection with the removal work and the filing of Red Hook's claim.

143-37 G. Signage.

(1) No signage or graphic content may be displayed on the solar energy system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than 36 square inches in size.

(2) Disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface.

(3) Twenty-four-hour emergency contact information shall be clearly displayed.

(4) Systems and sites may not be used for displaying advertising except for reasonable identification of the owner/operator and shall comply with sign standards in § 143-27.

Mayor Blundell reviewed the process so far, and stated that it takes time for local leaders to ensure protection of the environment. More discussion will take place at the workshop meeting. DM Kovalchik stated he would like a project timeline. Kai Nybro from SunCommon stated that he would like to have the interconnect completed by the end of this calendar year, and that the signing of the land lease and PPA are critical steps.

DM Kovalchik moved to adjourn the meeting. Trustee Trapp seconded the motion.

Meeting was adjourned at 7:57 pm.

Submitted by,

Arie Drewes
Assistant Clerk