

**Town of Delaware Town Board
Special Board Meeting – Solar Workshop
July 12, 2016**

Members Present:

Edward T. Sykes, Supervisor
John Gain, Councilman
Alfred Steppich, Councilman
Christopher Hermann, Councilman

Member Absent:

Cindy Herbert, Councilwoman

Also present: Tess McBeath, Town Clerk; Jim McElroy, Building Inspector/Code Enforcement Officer.

Supervisor Sykes opened the workshop at 3:30 p.m.

OTHER BUSINESS: The Supervisor was approached by the CBA with a \$637 bill for mending fences, landscaper, brush hogging, wood chips, etc. in the Callicoon Creek Park. The Board had agreed to a \$500 budget allocation and after discussion, it was agreed to leave it at \$500.

Supervisor Sykes reviewed the 239-review recommendations received from the County. They questioned §618.5.1 (11) relating to solar panels containing hazardous materials. Solar arrays do contain hazardous materials sealed in the panels; this provision could be construed to preclude solar development. They suggested it either be deleted or amended to require periodic inspections.

Pete Dolgas from Delaware River Solar said there are different types of panels that can be used; some do contain dangerous material but they're encased in glass and do not leak. Most panels don't contain hazardous materials, but if they did they would be contained inside the panel itself so even if the panel surface cracks nothing would leak. Supervisor Sykes asked Mr. Dolgas to provide him with a list of the hazardous materials used in the panels.

The County also had technical comments about impervious surface areas.

Jim McElroy stated that the panels themselves are not impervious because of the tilt, there's nothing stopping the water from getting in the ground. The amendment to §619.5.1(6) addresses the surface area which should not exceed 50%. Mr. McElroy said if you're making it denser you're shrinking the size of the array which is a good thing. He reiterated that the panels will all be tilted. Councilman Gain said even if they're flat there's no rim and the rain has to go somewhere.

Mr. Dolgas informed the Board that the panels have to be separated enough so a pick-up truck can drive between them to wash them. The project will try to squeeze into the smallest space if you're leasing property. It won't be spread out unless you have wetlands or buffers you need to avoid. Mr. Dolgas said that the solar developers are ok with 25%; 50% is pretty high. Supervisor Sykes doesn't like the wording and thinks #6 needs to be tweaked.

Mr. McElroy explained that if a developer purchases 20%, the density is 25%. If he leases 20% of a 100 acre farm, the density is 25% of the 100 acres. Supervisor Sykes said regardless of whether they lease or now, the property is being taxed now, and this would be in addition to the tax on the vacant land.

In the draft law it states that commercial solar is one that generates 100 KW of power and requires special use permits in the RU District. It was suggested we reduce it to 25 KW as 25 KW is commercial.

Supervisor Sykes and Mr. McElroy agreed that residential solar is handled by what we already have in place. Mr. McElroy requires engineering reports, sign offs, checklists. He hasn't had any problems. It was mentioned that Rich Winter's house is 50 KW but generally 25 KW on a residential roof is a big house or a store.

Councilman Steppich offered that 10-12 KW generator will supply a house and that farms could be covered with 25 KW or under, and Mr. Dolgas added that a system that large would most

likely but put on the ground rather than a roof. He said there was concern in Massachusetts two years ago about snow load on the rooftop solar panels.

This is just an amendment to our law, said Supervisor Sykes, because we had residential solar on the books – this just deals with commercial solar.

Councilman Steppich inquired about setback rules, which is 50' from the road or the right-of-way is 75' from the center of the road. Mr. McElroy said they can't put panels up in their front or side yards.

Taxation. The Supervisor sent a copy of our research with ORPS to Richard Chun. If we didn't do anything his taxes would be approximately \$49,000 using a medium income value and based on a 2 MW system. He asked Mr. Dolgas if they'd done any research on that and if they'd get back in touch with him.

In order to tax the project, if we opt in to the State Law we have to come up with a PILOT. We have to devise a way of handling the PILOT; Mr. McElroy asked if the tax would be based on the power produced. Supervisor Sykes responded that it makes sense to tie it to production; some places tie it to production or just agree to a (e.g., \$25,000) number. Mr. Dolgas said if we tie our PILOT to production, you'd want to know what the income would be 25 years from now. He also mentioned that production goes down a bit as the panels get older.

Supervisor Sykes stated we have more work to do on this – things like opting in or out, the PILOTs, so that when we make decisions we do the right thing. He also mentioned that the PILOTs wouldn't cover the special district taxes such as fire, ambulance, library.

Councilman Steppich asked about extra dangers to the fire departments with these panels. Frank Hahn said there were. Delaware River Solar gave a presentation to the Callicoon Fire District, and there was comment about the firemen being able to cut into panels on a residential roof. It was mentioned that the fire departments would need to know the location of the disconnect switch.

PUBLIC COMMENT: None.

Another workshop has been scheduled for August 3 at 3:30 p.m. Meanwhile Supervisor Sykes will contact Mr. Shepstone about better verbage on coverage.

Mr. Castellow asked if the stakes were in so they could see the footprint; Mr. McElroy said they were going to put in 8' stakes in the four corners but it hasn't been done yet. Mr. Hahn asked for a 3-D computer rendering; Mr. Dolgas said they could do a drawing or rendering, or possibly a video rendering of what it would look like.

Workshop closed at 4:30 p.m. on motion of Councilman Gain, seconded by Councilman Hermann and carried.

ADJOURNMENT: With no further business, on motion of Councilman Gain, seconded by Councilman Hermann, the meeting adjourned at 4:30 p.m. Motion carried unanimously.

Respectfully submitted,

Tess McBeath, RMC
Town Clerk