

MINUTES
TOWN BOARD
July 28, 2021

The Town of Manlius Town Board hybrid meeting in-person and virtual live streaming with Supervisor Edmond Theobald presiding and the following Board members present:

Karen Green, Councilor
Sara Bollinger, Councilor
Elaine Denton, Councilor
John Deer, Councilor
Heather Waters, Councilor
Katelyn M. Kriesel, Councilor

The following Town Officers were present:

Tim Frateschi, Attorney for the Town Allison A. Weber, Town Clerk
Ann Oot, Town Manager

1. Attendees

In-Person Meeting Attendees: Jaqueline Michel, Julie Fenster, Alexis Forbes, Victoria Forbes, Denise Androvette, Elizabeth Hui, Christine Lin, David Tyler, Matt M., Andy Miller, Eric Yao, Stephanie Quattropani, Kaylee Yang, Kathy Yang, Emily Ledyard, Peter Michel, Jane Tretler, Aerik Radley, Fione Hoyer, Aine Hoyer, Sarah Sharples, L. Pachew, George Langenberg, Dylan Crysler, Casey Cleary-Hammerstedt, Annalena Davis, Ryann Dunn, Michael Ouyang, Ben Sharples, Anthony Ahn, Ethan Terchowicz, Josh Lefkowicz, Karen Dunn, Leigh Nolan, Daniel Chakin, Matthew Alaniz, Al Levy, Denise Mahus, K. Balian, Catherine Cole, Maia Chahin, Brynn Taylor, Mikayla Cleary-Hemmerstedt, Sheila Ben, Natalie Bianchi, Reagan Guthrie, Olina Spignardo, Lindsey Puc, Mary Karpinski, Nat Dunn, David Scamehorn, Stuart Blackwood, Leila Abdul-Malak, Kate Bushnell, Young Park-Cunningham, Ari Spinoza, Craig Rizzo, Greg Michel, Jeff Tuck, Elise Spignardo, Dustin Hall, Allen Olmsted, Stuart Ben, Teddy Epstein, Ellen & Nora Pipes, Ava Bybee, Greta Pierson, Michael Friend.

Virtual Meeting Attendees: Carson Weinand, Frederick Gilbert, RJ Geddes, Louis Muraco, David Froelich, Grant DeBruin, Ora Jezer, Cristina Tapia, Ruth Hart, Valerie Beecher, Elana Shever, Molly Frances Akers, Timothy Rice, Joseph Lupia Jr., Raquel Parks, Mary O'Reilly, Mike Roach, WSYR-TV, William Sunderlin, Kelly Wells, Daniel Chakin, Andrew D'Amico, Paul Staab, Janice Geddes, Beth MacCrindle, Riya Gupta, Sonia Kragh, Michael LeRoy, Kimberly Flomerfelt Puc, Leah Eve Jezer-Nelson, David Sheridan, Lana Batick, Rhea Jezer, Pamela Bender, Renee Smith, Lared Lush, Joe Messineo, Kathy Spignardo.

2. The Pledge of Allegiance

The Town Board recited the Pledge of Allegiance. Supervisor Theobald, called the meeting to order at 6:30 pm.

3. Open Podium - Postponed

4. Approval of Minutes – July 14, 2021

Councilor Bollinger made a motion, seconded by Councilor Denton, to approve the minutes of July 14, 2021 as submitted by Town Clerk Weber.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nayes: 0

All in Favor.

Motion Carries.

5. Approval of Abstract # 14

Councilor Bollinger made a motion, seconded by Councilor Green, to approve Abstract # 14 in the amount of \$367,042.01 as submitted by Town Clerk Weber.

TOWN OF MANLIUS		
Fund Summary		
Abstract # 14 - 2021		
CODE	FUND	TOTALS
A	General Fund Townwide	\$72,326.03
B	General Fund Town	\$2,155.94
DA	Highway Fund Townwide	\$14,912.51
DB	Highway Fund Town	\$152,612.53
SR1	Manlius Trash District	\$112,500.67
SR2	Manlius Res Brush District	\$12,534.33

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nayes: 0

All in Favor.

Motion Carries.

6. Public Hearing – Proposed Local Law to place a Moratorium on the Processing of Commercial Solar Array Applications

PART II – Short Environmental Assessment Form

Attorney Frateschi reviewed Part II of the short environmental assessment form with the Town Board. The Town Board determined that each of the environmental factors would have no more than a small to moderate impact. After further discussion, the Board agreed that there would be no significant environmental impact by approving the Local Law based on the reasons set forth in the Resolution drafted by the Attorney for the Town.

Councilor Bollinger made a motion, seconded by Councilor Green, to declare the Town of Manlius lead agency for SEQR purposes in the matter of the proposed Local Law to place a Moratorium on the processing of Commercial Solar Array Applications.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nayes: 0

All in Favor.

Motion Carries.

Councilor Green made a motion seconded by Councilor Bollinger, to declare an unlisted action under SEQR in the matter of the proposed Local Law to place a Moratorium on the processing of Commercial Solar Array Applications.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nayes: 0

All in Favor.

Motion Carries.

Attorney Frateschi reviewed the proposed Local Law to place a Moratorium on the processing of Commercial Solar Array Applications. Attorney Frateschi stated that during the proposed six-month moratorium the Town Board will review the existing Solar Code to see if any changes need to be made and consider the impact of commercial solar arrays on the Comprehensive Plan.

Discussion ensued about the issues related to solar arrays that need further review. The Town Board also discussed the Commercial Solar Study Group that was formed in May at the request of the Planning Board. It is chaired by Councilor Bollinger and Planning Board member Arnold Poltenson and is composed of representatives from both the Town Board and Planning Board. The Commercial Solar Study Group has met twice, spoken with several experts and read many reports to enhance the Town's understanding of the potential for both positive and negative impacts of Commercial Solar Array Farms.

Councilor Bollinger made a motion, seconded by Councilor Green, to waive the reading of the public notice in the matter of the proposed Local Law to place a Moratorium on the processing of Commercial Solar Array Applications.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nayes: 0

All in Favor.

Motion Carries.

Councilor Waters made a motion, seconded by Councilor Kriesel, to open the public hearing at 6:48 PM in the matter of the proposed Local Law to place a Moratorium on the processing of Commercial Solar Array Applications.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nayes: 0

All in Favor.

Motion Carries.

Supervisor Theobald reviewed the Rules of Decorum.

Attorney Frateschi stated that the Town Board would not be voting on the proposed local law at this meeting because the Town is waiting for Onondaga County Planning Board to review the local law. Attorney Frateschi stated the Town Board could vote on the moratorium at the August 11th meeting.

Speakers in person:

Casey Cleary-Hammarstedt, Fayetteville stated she believes it is wise for the town to adopt a Moratorium on Commercial Solar Arrays and to pursue the Comprehensive Plan for the town. Ms. Cleary-Hammarstedt stated she would like to see the Town create a Solar Farm Repository on the town's website as a resource to everyone with unbiased and factual information. Ms. Cleary-Hammarstedt outlined some of the concerns that could be covered. Ms. Cleary-Hammarstedt stated this is for the citizenry that insists on evidence-based decision-making and

the future of our town. Please note a copy of Ms. Cleary-Hammarstedt's remarks are on file in the Town Clerk's Office.

Annalena Davis, Fayetteville stated she feels the Town of Manlius has an opportunity to be part of the solution and not a roadblock. Ms. Davis stated the town needs to remove roadblocks to renewable energy as we have very limited time now.

Peter Wirth, Fayetteville stated he hopes all can agree on the reality and seriousness of climate change. Mr. Wirth spoke about changing weather patterns that are a result of climate change. Mr. Wirth spoke about the positive aspects of solar arrays. Please note a copy of Mr. Wirth's remarks are on file in the Town Clerk's Office.

Ryan Dunn, Fayetteville stated he is in support of the moratorium on commercial solar arrays. Mr. Dunn stated the Town has an opportunity to be a part of the solution to climate change by saying yes to solar. Please note a copy of Mr. Dunn's remarks are on file in the Town Clerk's Office.

Maia Chakin, Fayetteville stated she is representing the Manlius youth who are in support of solar. Ms. Chakin spoke about the many effects of climate change the world is experiencing now. Ms. Chakin asked, "Do we really want to prioritize aesthetic concerns over the safety of our future?" Please note a copy of Ms. Chakin's remarks are on file in the Town Clerk's Office.

Chris Carrick stated he manages the energy program at the Onondaga County Regional Planning Board. Mr. Carrick stated he is in support of the moratorium. Mr. Carrick stated solar can be a good neighbor when produced responsibly and discussed how that could be achieved.

Peter Michel, Fayetteville stated he is in support of solar. Mr. Michel spoke on the need to act on as many of the solutions as possible and as fast as possible to reverse the impacts of climate change. Please note a copy of Mr. Michel's remarks are on file in the Town Clerk's Office.

Jane Tretler, Fayetteville stated she is concerned for the future generations that will be greatly impacted by climate change. Ms. Tretler stated she believes climate change is happening now and people must act now to develop renewable energy.

Micha Pasinski, Fayetteville, spoke about what climate change has done to oceans which houses up to 80% of all life on earth. Mr. Pasinski stated that solar arrays are one way that a town can show how we can keep our oceans an invaluable sustainer of life. Please note a copy of Mr. Pasinski's remarks are on file in the Town Clerk's Office.

Mariah Pasinski, Fayetteville stated that she hopes the Town will decide to be on the right side of history and support solar panel installations. Ms. Pasinski spoke about our reliance on fossil fuels and how they are directly harming our children. Please note a copy of Ms. Pasinski's remarks are on file in the Town Clerk's Office.

David Pasinski, Fayetteville spoke about the beauty of the farmlands on Salt Springs Rd. and how the land has gone through changes over the years. Mr. Pasinski stated change happens and he hopes the owners of the land and local government are responsible stewards of the land. Mr. Pasinski stated the development of solar arrays in our area is our way of doing something to combat climate change.

Debra DeSocio, Fayetteville, spoke in support of solar and that she will opt out of speaking because what she was going to say has already been stated.

Leah Eve Jezer-Nelson, Manlius, spoke of the current generation providing for the future generations. Ms. Jezer-Nelson stated looking to solar farms and providing clean energy is a gift we can give the future generation.

Gregory Michel, Fayetteville, stated that he believes in planning and appreciates that the Town Board is looking at solar energy wisely. Mr. Michel stated he would like the community to look at how to decrease the current energy footprint.

Tom Bassett, Manlius, read aloud from Local Law 2016-8 Regulation of Solar Photovoltaic Systems and what its purpose was. Mr. Bassett stated that this law was an amazing statement of intent by the town board at that time. Mr. Bassett asked that the moratorium not be rolled over for an additional six months.

Julie Fenster, Manlius, stated she is in favor of the moratorium and asks that the Town Board look at all the aspects of commercial solar arrays and development. Ms. Fenster stated she believes that taking six months now will save the Town from decisions it might regret.

Andrew Day, E. Syracuse from Source Renewables, stated that his company is developing the commercial solar array on Salt Springs Rd. and Taft Rd. Mr. Day stated that he does not think a moratorium is necessary as the town already has an ample solar law on the books.

Andrew Miller, Manlius, stated that his family owns the land on Salt Springs Rd. where the commercial solar array is being proposed. Mr. Miller gave information on why the piece of land is suited for this type of project and how this would benefit the community. Mr. Miller stated a moratorium on solar farms is not in the best interest of this town.

Roseann Loreface, Manlius, stated she is concerned about climate change and strongly supports solar power. Ms. Loreface stated it is appropriate that the board would consider and vote on a moratorium for additional arrays.

George Loreface, Manlius stated the need to develop solar energy is here and supports solar power. Mr. Loreface stated he hopes the town board will approve the projects.

Jon Koch, Irvington NY, deferred his comments at this time.

Jay Lu, Manlius, stated that if we use solar power, it will reduce the use of fossil fuels and the carbon release into the atmosphere.

Van Cleary-Hammarstedt, Fayetteville, stated that others have made the points he planned to make here tonight. Mr. Cleary-Hammarstedt stated sensible solar development is what the town needs.

David Muraco, Fayetteville, stated that he is in support of the moratorium. Mr. Muraco stated that the Local Law approved in 2016 was for smaller solar arrays is not appropriate for the size of the solar array applications that the Town is receiving now. Mr. Muraco stated that he is concerned about the solar arrays taking property off the tax rolls.

Allen Olmsted, Manlius, stated that one of the biggest concerns that has been discussed is the capacity on the grid, which is critical. Mr. Olmsted stated that 90% of the projects he has worked on have fallen apart because of lack of capacity. Mr. Olmsted stated he would like to see the Salt Springs project move forward and be left out of the moratorium as it has the capacity needed.

Sheila Ben, Manlius, stated that she is in support of the solar moratorium. Ms. Ben stated that she wants the Town Board to take the time to figure out the answers to the questions about commercial solar arrays and then proceed.

Hilary McManus, Fayetteville, expressed an urgency do to climate change planning for solar as relayed by Town Clerk Weber.

Rebecca Rolnick, Fayetteville stated she is a graduate of SUNY ESF and studied conservation biology. Ms. Rolnick stated that through her education she has learned how climate change has already affected the environment. Ms. Rolnick believes if the community does not take steps toward renewable energy, the damage to the lands we love will continue to get worse.

Michael Fogel, Manlius, stated he is an Environmental and Land Use Law Attorney and represents Mr. Muraco. Mr. Fogel stated he believes this is a circumstance for a moratorium and it is a good land use tool. Mr. Fogel stated the moratorium will give time for the Comprehensive Plan to be developed and this will give guidance to the different boards moving forward.

Jim Gerace, Manlius, spoke about the research that he has done on the internet and he discussed his findings. Mr. Gerace spoke about the negative aspects of large solar arrays and the toxic chemicals that he found could be leached into the soil and water.

Natalie Bianchi, Liverpool, stated that she is an environmentalist. Ms. Bianchi discussed misinformation that was in a flyer that was handed out. Ms. Bianchi stated that she does not think the moratorium is necessary and six months is too long to wait.

Mike Friend, Manlius, stated that he supports the six-month moratorium on solar arrays and a permeant ban on all future industrial solar farms in Manlius. Mr. Friend stated he does not believe solar is the panacea it is sold as.

Catherine Cole, Manlius came to read a petition signed by over three hundred people living in the Town of Manlius that was organized by Climate Change Awareness.

Al Levy, Manlius stated that the argument that doing nothing is better than doing something, is wrong, we must do something. Mr. Levy asks why to wait six months to put our future in jeopardy.

Emily Ledyard, Manlius stated she does not support the moratorium and believes the town has enough information. Ms. Ledyard asked if the board has a plan for transparency to share the information that is collected?

Councilor Waters with the aid of Town Clerk Weber reviewed what the town does now and what the future plans are to aid transparency in the town.

Virtual Attendees:

Carson Weinand requested an opportunity to speak. Mr. Weinand stated that he is a Senior Business Developer for Solar Development Company CVE, which is the Applicant for the Duguid Rd. solar farm. Mr. Weinand asked that the Town Board to exempt the projects currently in front of the Planning Board from the moratorium, which includes the Source project, CVE project and the Landfill project. Mr. Weinand spoke about how and when his project was put on hold and the reasons behind it. Mr. Weinand gave a brief presentation on how CVE can

help the town understand interconnection and an offer from CVE to better compensate the town with property tax called a host community agreement.

Submitted Statements/Comments/Questions: read aloud by Town Clerk Weber

David Harvey, Fayetteville strongly supports solar and feels we need to move away from fossil fuels.

Marcia Sullivan, Manlius, submitted that she is in support of the plan provided by developer CVE for the Duguid Rd. Solar project. Ms. Sullivan stated that she is opposed to the proposed moratorium on solar farms. Ms. Sullivan stated a solar farm will be nicer for the land than a housing development.

Paul Staab wrote, why is the town such a popular location for solar farms compared with other towns in the county?

David Sheridan wrote, this is absurd. Everyone speaking in favor for solar energy isn't dealing with the solar farms being in their front yard and devaluing their property.

R J Geddes wrote, how will the town ensure developers and operators have sufficient financial resources to respond to any liability issues and/or cost of ultimate decommissioning?

Raqual Parks wrote, I could not make out which company this solar developer represents that is at the podium. Can you please share his name and the company he represents?

Carson Weinand wrote, when will the Zoom participants have a chance to speak?

Elana Shever wrote, I live on Prestwick Dr., Manlius. I oppose the moratorium. Do not delay in approving solar panel projects. We have a good enough law in place, and the best is the enemy of the good. We don't want to risk losing state and other funding or rebates.

Paul Staab wrote, I am now confused. Do solar farms pay property taxes?

Jonathan Levine, Manlius, wrote that the urgency for solar energy is great, and the scrutiny that solar project receive during the zoning process is already sufficient to protect neighborhood interests. Please do not freeze solar applications for the next 6 months. Instead, please welcome solar project applications immediately.

Lana Batick wrote, can anyone give any insight into the long-term maintenance of these farms? What happens when the panels break or their useful life has come to an end in 20 years? Do we end up with a solar panel graveyard? I am in favor of the moratorium.

Councilor Deer made a motion, seconded by Councilor Bollinger, to close the public hearing at 9:34 PM in the matter of the proposed Local Law to place a Moratorium on the processing of Commercial Solar Array Applications.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nays: 0

All in Favor.

Motion Carries.

Supervisor Theobald read into the record a statement from Joe Lupia, Chairman of the Town of Manlius Planning Board. Chairman Lupia stated that he is in favor of solar arrays as a source of

renewable energy, and he supports the moratorium only to the extent that the Town have an opportunity to develop its comprehensive plan.

7. Highway Superintendent – No New Business

8. Planning & Development – No New Business

9. Attorney

Attorney Frateschi stated the Town in now collecting escrow deposits for solar decommissioning plans. Attorney Frateschi stated that currently the code requires an applicant to provide a bond or a cash equivalent. Attorney Frateschi stated that the existing applicants have agreed to provide cash. Attorney Frateschi requested that the Town Board authorize the Town Manager to set up a bank account to hold the escrow money for fifteen to twenty-five years.

Councilor Waters made a motion, seconded by Councilor Green to authorize the Town Manager to open a bank account on behalf of the Town for the deposit of escrow funds related to the decommissioning of commercial solar arrays.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nayes: 0

All in Favor.

Motion Carries.

10. Town Clerk – No New Business

11. Police Chief – No New Business

12. Town Manager

Town Manager Oot stated that the Medicare Part D Subsidy Service Agreement which covers the retirement plan for the Medicare Part D subsidy is due for renewal.

Councilor Bollinger made a motion, seconded by Councilor Green to authorize the Supervisor to sign the Annual Medicare Part D Subsidy agreement for \$4,200.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nayes: 0

All in Favor.

Motion Carries.

Town Manager Oot stated the town received the \$5,000 grant that Councilor Kriesel advocated for through NYSERDA Clean Energy Community and requested a budget transfer.

Councilor Kriesel made a motion, seconded by Councilor Waters to approve a budget amendment as follows: increase A004.2770 (Unclassified Revenue) \$5,000 and increase A005.1010.400 (Town Board Contractual) \$5,000.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nayes: 0

All in Favor.

Motion Carries.

13. Committee Reports

Councilor Waters stated she and Councilor Bollinger will be hosting a workshop with the Onondaga County Industrial Development Agency (OCIDA) and the School Districts on Tuesday August 4th to discuss the solar Payment In Lieu of Taxes (PILOT) agreement process.

Councilor Waters stated that on August 5th they will hold their first Steering Committee for the Comprehensive Plan.

Councilor Waters made a motion, seconded by Councilor Kriesel to hold a special meeting of the Town Board for the purposes of conducting a public workshop to discuss Solar PILOT agreements on August 4th at 5:00 PM at the Manlius Fire House, 8200 Cazenovia Rd., Manlius NY.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nays: 0

All in Favor.

Motion Carries.

Councilor Kriesel stated that Dan Kain from New York State will appear at the August 11th Town Board Meeting to speak on the NYS 457 Deferred Compensation Plan and invited all interested town employees to attend.

14. Supervisor

Supervisor Theobald complimented everyone that participated in the solar rally before the meeting tonight for holding a very respectful event.

Supervisor Theobald stated the town did receive the first payment of two payments in the amount of \$ 1,009,209.92 from the American Rescue Plan. Supervisor Theobald stated the town is in contact with NYS Association of Towns as the guidance and rules on the use of the funds.

15. Adjournment

There being no further business to come before the Board, upon motion duly made by Councilor Kriesel and seconded by Councilor Denton the Board voted unanimously to adjourn regular session at 9:34 PM.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nays: 0

All in Favor.

Motion Carries.

Respectfully Submitted by:

Allison A. Weber
Town Clerk