

**TOWN OF JACKSON
PLANNING BOARD MEETING
JULY 7, 2020**

The Town of Jackson Planning Board met on July 7, 2020 at 7 pm via a GoToMeeting. All the board members received any paper work pertaining to the current projects prior to the meeting. The following people were in attendance-

Board Members:

- Noel Hanf
- Amy Maxwell
- Mark Mahoney
- Irene Headwell
- Nick Rowland
- Cheryl Record
- John Tully (via phone)

Others Present:

- Adam Fishel (Borrego Solar)
- Steve Long (Borrego Solar)
- Sharon Dunn
- Sami Aslam (Borrego Solar)

Minutes

A motion was made by Mark Mahoney, seconded by John Tully to approve the June 2, 2020 meeting minutes as written. Motion carried in favor 7-0.

HEDGES LAKE, INC./HAROLD GILBAR

Chairman Hanf stamped and signed the Hedges Lake, Inc. mylar, maps and public health law letter on June 25, 2020.

PAULINE LAPOINT/BORREGO SOLAR

Representatives from Borrego Solar Steve Long and Adam Fishel joined the GoToMeeting to begin. Sami Aslam later joined the meeting as well. The board was given documents from Borrego Solar prior to the meeting including

- Inverter Noise Level Measured at Closest Residence
- Copy of the lease agreement with the property owner
- Sample of a Decommissioning plan
- Decommissioning estimate and plan
- Coordinated electric system interconnect review with National Grid

The chair thanked Mr. Long and Mr. Fishel for the filing Borrego had made during the previous week. He said that while the Board would like to start the environmental review, conclusions about environmental impact depend on how much assurance the town will have that the site will be restored as part of the decommissioning process at the conclusion of commercial operation of the solar facility. Therefore, he proposed to start the review of last week's filing with clarifying questions about the Solar Energy Decommissioning Agreement (the "Decommissioning Agreement"), the Decommissioning Estimate/Plan, and related portions of the Option and Lease.

Chairman Hanf began with questioning when the term will begin. Mr. Long said they should be operational by the end of 2021. The lease agreement is for 25 years with the option of four five-year extensions. If it reaches the full term it will be decommissioned in the year 2066.

Mr. Fishel confirmed that the lessee will be titled Jackson Solar 1, LLC.

Chairman Hanf began the discussion of the decommissioning of the solar project once the lease is expired. Mr. Hanf referred to section 6(c) of the Lease agreement which calls for "removal of all above-ground improvements" at the time of decommissioning. Mr. Long assured that per the decommissioning agreement everything will be removed, including all ground screws and wiring, and the property returned to its current state.

Mr. Hanf asked how it will be determined when pertaining to taxes, which are "Personal Property Taxes" and which are "Lessee Real Property Taxes" which taxes will be paid by the Lessee and which will be paid by the Landowner/Lessor. Ms. Skellie-Gilbert said she spoke with the county and the tax office has plans to make a clear distinction on the tax bills for each party. Laura Chadwick at Washington County Real Property Tax Services (WCRPTS) said that since the area being leased is not subdivided from Mrs. Lapoint's property, Borrego will need to request a separate tax bill from WCRPTS once the solar arrays are in place and functioning.

Mr. Hanf asked about sections 21(e) and 21(f) of the Option Lease Agreement, which states that if a bankruptcy occurs the agreement may be reassigned to any Financing party. Mr. Hanf observed that if that occurs the towns funding will be available for the decommissioning depends of the financial capacity of the issuer of the bond.

Pertaining to the Decommissioning Agreement, Mr. Hanf questioned section 2(b) and asked for clarification of the word "determinant". There was a discussion with no resolution. Mr. Mahoney pointed out that on the last line of section 2(b) the word "days" should be added after the word "fourteen". Mr. Hanf questioned section 3(b) and 3(c). The identity of and the

form of the bond should be specified in the Decommissioning Agreement and not left to be determined after it has been signed.

Referring to the Decommissioning Estimate\Plan, Mr. Hanf asked whether the dollar values shown are in 2020 dollars or 2065 dollars. The Borrego representatives replied that the values in the plan are 2020 dollars, but that Section 3(b) of the Plan calls for review and adjustment of the costs at five-year intervals, if requested by the town. Mr. Hanf said that projected escalation should be part of the plan, because it is certain that prices will not stay constant for 45 years. Mr. Long suggested 2% annual inflation during the 25 years of the initial term, but by implication not during the 20 possible years of extended term.

Mr. Hanf pointed out that having cost estimates for the tasks in the decommissioning plan is not the same as having specifications for the elements of the decommissioning plan, and said that he expects both the issuer of the bond and the town will want specifications that make it possible for them to determine whether the elements of the plan have been achieved.

Sharon Dunn, an adjacent property owner of the proposed site, questioned the impact on property values and if members of the community will have the option to subscribe to the generation produced by the solar panels. Mr. Long stated that they could put in the agreement a feature that the town residents will have the opportunity for to subscribe.

Mr. Mahoney asked about the review by National Grid. Borrego representative, Mr. Long said that if the project expended the funds identified in the review, items listed as “failed” would all change to “pass”.

To answer Mr. Mahoney’s question, Borrego reps confirmed that the noise of the inverters would not go above 37 decibels at the residence closest to the facility during the day. There will be no noise at night. Mr. Mahoney asked about the DEC review, as well. Mr. Fishel stated that the had a site walk with DEC about the stormwater plan. He stated that it has been revised and submitted for DEC approval. A response is expected in 4 to 6 weeks.

There was also a brief discussion about the noise levels created by the inverters. Adjacent and nearby property owners have inquired about the noise level. In March 2020, when the Board first met with Borrego, it stated in minutes:

Once constructed, the only noise created from the solar arrays will come from the inverter which registers at 80 decibels, equivalent to a residential air conditioner.

At that time, it was believed that the inverters would be central inverters which are larger. It was recently clarified that string inverters will be used which register noise level of 65 decibels. Borrego provided the following information which is on file:

*42dB (Ambient) > 37dB (Inverter noise level at closest residence)
The inverter noise level measured at the closest property line is less than the ambient noise level present at the site. Please note that the ambient sound level would be lower at night (see attached figure 1) but the inverters do not make noise at night as the PV system is not producing power. Please note also that this a considerably conservative scenario as these measurements are typically taken from the closest receptor (household) which would result in a noise level of just 28.1 dB.*

Mr. Fishel explained that they will be planting trees and plants along to fence line.

Adam Fishel spoke on the stormwater plan which was recently sent to the Department of Environmental Conservation (DEC). Rather than utilizing ditches to channel the water, a sheet flow system will be used. They are also planning to develop a vegetative screen area along Route 22 near the stormwater area. Borrego hopes to receive comments from DEC within 4-6 weeks.

If Borrego provides more documentation that would help the Board with the environmental review, they will likely begin the Environmental Review at the August meeting.

NOTE: On July 13, 2020, the Town received a letter from US Army Corps of Engineers dated July 8, 2020. The purpose of the letter was to notify the Planning Board that the *Notice of Lead Agency Determination* letter dated March 30, 2020 was sent to an incorrect address resulting in a significant delay of any response. They provided new mailing and email addresses. Tammy Skellie-Gilbert sent the March 30th letter to the email address on July 14, 2020.

Next Meeting: Tuesday, August 4, 2020 @7 pm

Adjourned: @8:18 pm

Respectfully submitted,

Victoria Ruggles, Clerk