

**Minutes of the Regular Meeting of the Town Board of the Town of Kirkland, held at the Town of Kirkland Municipal Building, 3699 State Route 12-B, Clinton, Oneida County, New York on April 11, 2022, at 7:00 p.m.**

Present:

Supervisor Robert J. Meelan

Councilman Garry F. Colarusso

Councilwoman Donna E. Yando

Councilwoman Melanie L. O’Neil

Attorney Anthony Hallak

Budget Director Tony Arcuri

Absent:

Councilman Richard J. Maxam

Supervisor Meelan called the regular meeting to order at 7:00 p.m. and asked those present to stand for the Pledge of Allegiance.

**RESOLUTION #32**

Upon motion by Councilwoman Yando, seconded by Councilwoman O’Neil, the following resolution was ADOPTED:

**RESOLVED**, that the Kirkland Town Board approve the minutes of March 30, 2022 as printed.

**Roll Call Vote:**

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Aye
Councilwoman Donna E. Yando	Aye
Councilman Richard J. Maxam	Absent
Councilwoman Melanie L. O’Neil	Aye

**RESOLUTION #33**

Upon motion by Councilman Colarusso, seconded by Councilwoman O’Neil, the following resolution was ADOPTED:

**RESOLVED,** that the Kirkland Town Board approve the Amended Host Community Agreement between the Town of Kirkland and SSC Kirkland, LLC. (A copy of the agreement has been made a part of these minutes.)

Amendment to Host Community Agreement

Amendment to Host Community Agreement (the "Agreement"), dated as of December 13, 2021 by and between SSC Kirkland LLC ("Solar Operator"), whose address is 334 Arapahoe Avenue, Boulder, Colorado 80302, and the Town of Kirkland, Oneida County, New York, a local governmental entity in the State of New York ("Town"), whose address is 3699 State Route 12B, Clinton, New York 13323.

1. Except as expressly amended hereby, the terms and conditions of the Agreement are hereby ratified and confirmed and shall continue in full force and effect. In the event of any conflict or inconsistency between the terms set forth herein and the terms of the Agreement, the terms contained in this Amendment shall govern and control. Capitalized terms used herein, but not otherwise defined, shall have their respective meanings given in the Agreement.
2. This Amendment may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. For purposes of this Amendment, any signature transmitted by facsimile or electronically via e-mail shall be considered to have the same legal and binding effect as any original signature.
3. Paragraph 1, Host Fee is amended to add the following:
  - a. In addition to the Town Fees, and exclusive of any deposits to the Fee Escrow account as hereinafter defined, the Solar Operator shall make a contribution to the Town and community (the "Community Contribution") equal to five percent (5%) of the annual payment due to the Oneida County Industrial Development Agency's (the "Agency") pursuant to a PILOT Agreement between the Agency and Solar Operator.
  - b. The Community Contribution shall be due and paid to the Town, contemporaneous with the annual PILOT payment due to the County of Oneida.
  - c. The Community Contribution is deemed an unrestricted payment to the Town, may be used for any purpose in its sole discretion and is not required to be deposited in the Fee Escrow Account.

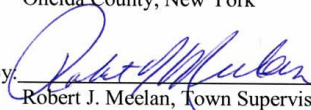
IN WITNESS WHEREOF, the Parties have caused this Amendment to be executed and effective as of April \_\_\_\_\_, 2022.

SSC KIRKLAND LLC  
a Florida limited liability company

By: \_\_\_\_\_  
David Spotts, Managing Member

\_\_\_\_\_  
Date

TOWN OF KIRKLAND  
Oneida County, New York

By:  \_\_\_\_\_  
Robert J. Meelan, Town Supervisor

4/11/2022  
\_\_\_\_\_  
Date

**Roll Call Vote:**

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Aye
Councilwoman Donna E. Yando	Aye
Councilman Richard J. Maxam	Absent

The Town Clerk read the Notice of Public Hearing and Supervisor Meelan opened the Public Hearing for Local Law No. 1-2022. The Public Hearing was left open. (A copy of the Notice of Public Hearing has been made a part of these minutes.)

COUNTY OF ONEIDA, STATE OF NEW YORK  
**NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE THAT, in Accordance with Section 202-b of the New York State Town Law, the Town Board of the Town of Kirkland, Oneida County, New York (the "Town") will conduct a public hearing on April 11, 2022 at 7 p.m. at the Town of Kirkland Municipal Building, located at 3699 State Route 12B, Clinton, New York in regard to proposed Local Law No. 1 of 2022 entitled "A Local Law to amend the code of the Town of Kirkland, Chapter 118, Article VI thereof entitled, Antennas; Solar and Wind Energy Systems."

The Public Hearing will be held to hear all persons interested in A Local Law to amend the code of the Town of Kirkland, Chapter 118, Article VI thereof entitled, Antennas; Solar and Wind Energy Systems.

A copy of the proposed Local Law is available for inspection in the Office of the Town Clerk, 100 N. Park Row, Clinton, N.Y.

Dated: March 16, 2022  
By Order of the Town Board of  
The Town of Kirkland  
Oneida County, New York  
Donna B. Maxam, Clerk

Attorney Hallak stated that in his opinion there are 3 administrative changes;

1. The developer will be required to meet with the Town to review everything they are going to submit so the information is not coming in, in bits and pieces and creating delays.
2. In the old Local Law the Planning Board was locked into a permanent fee of \$100., paperwork alone put the Town under water with large projects, pulling the fee process out of the Local Law and putting it into the discretion of the Board to have more flexibility to increase the fee.
3. Is a timing matter: escrow agreement and special use permit are handled up front.

The Town Clerk read the Notice of Public Hearing and Supervisor Meelan opened the Public Hearing for the American Rescue Plan Funds. (A copy of the Notice of Public Hearing has been made a part of these minutes.)

TOWN OF KIRKLAND  
COUNTY OF ONEIDA, STATE OF NEW YORK

## **NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE THAT, in Accordance with Section 202-b of the New York State Town Law, the Town Board of the Town of Kirkland, Oneida County, New York (the “Town”) will conduct a public hearing on April 11, 2022 at 7 p.m. at the Town of Kirkland Municipal Building, located at 3699 State Route 12B, Clinton, New York in regard to the Town of Kirkland being the recipient of American Rescue Plan Funds in the amount of \$852,000., \$400,000 has been allocated for the purpose of installing a new roof at the Edward W. Stanley Recreation Center.

The Public Hearing will be held to hear all persons who wish to make comments regarding the use of the remaining \$452,000.

Dated: March 16, 2022

By Order of the Town Board of  
The Town of Kirkland  
Oneida County, New York  
Donna B. Maxam, Clerk

Steve Orvis, the Coordinator of the Climate Smart Community Task Force would like to see the funds used to reduce the municipality’s carbon foot print. He offered 3 suggestions:

1. Solar panels on Town property for Town building use
2. Heat pumps for heating and cooling
3. Electric vehicles for the municipality

Mr. Orvis said that all of the suggestions would save money in the long run and this is an opportunity to invest in these ideas. He said the task force would offer to help with research and said there would be state incentives available.

Jon Hysell and Alan Cole both spoke and were very supportive of what Mr. Orvis said.

### **GENERAL ORDER**

Attorney Anthony Hallak – No report

Town Clerk Donna Maxam – No report

Highway Supt. Jon Scott & Councilman Colarusso – Highway Supt. Scott said that hopefully they are done plowing! He also said that street name signs are being stolen faster than they can be put back up, from the south side and now the village.

Police Dept. - Administrative Officer Occhipinti – Absent

Building and Grounds Liaison Councilwoman Yando –No report

Recreation Liaison Councilman O’Neil – May 2 the Town Park will open, hopefully by the end of the month pre preparation for the Arena roof will be started.

Seniors Liaison Councilwoman Yando – Attendance picking back up

Sewer Liaison Councilman Maxam – Absent

SWOCO Liaison Councilman Maxam – Absent

The monthly Safety Inspectors’ Reports and Animal Control Officer’s Reports were reviewed by the Town Board Members.

Hamilton College Fireworks Displays

**RESOLUTION #34**

Upon motion by Councilman Colarusso, seconded by Councilwoman O’Neil, the following resolution was ADOPTED:

**RESOLVED**, that the Kirkland Town Board approve the Hamilton College Fireworks Permits, with displays to occur on May 20th, with rain date of May 21<sup>st</sup>, June 2<sup>nd</sup>, with a rain date of June 3<sup>rd</sup> and June 11<sup>th</sup>.

**Roll Call Vote:**

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Aye
Councilwoman Donna E. Yando	Aye
Councilman Richard J. Maxam	Absent
Councilwoman Melanie L. O’Neil	Aye

CORRESPONDENCE

Supervisor Meelan said he sent a letter to the Mayor regarding the 4<sup>th</sup> of July Parade, for the past few years the organizers are unable to get bands or very many participants. It was suggested that instead of the parade a Summer Shoppers Stroll be held with a band in the park, food trucks and store participation. The fireworks will still be held.

Supervisor Meelan said that a letter of thanks was received from ICAN for the contribution made in memory of Dr. Thomas J. Scott.

Supervisor Meelan suggested to the Board that the time of the Board meeting be changed to 5 or 5:30. He will bring it up again at the next meeting when Councilman Maxam is present.

**RESOLUTION #35**

Upon motion by Councilwoman Yando, seconded by Councilwoman O’Neil, the following resolution was ADOPTED:

**RESOLVED**, that the Public Hearing for the proposed Local Law No. 1 of 2022 be closed at 07:22 p.m.

**Roll Call Vote:**

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye

Councilman Garry F. Colarusso	Aye
Councilwoman Donna E. Yando	Aye
Councilman Richard J. Maxam	Absent
Councilwoman Melanie L. O'Neil	Aye

### **RESOLUTION #36**

Upon motion by Councilman Colarusso, seconded by Councilwoman O'Neil, the following resolution was ADOPTED:

**RESOLVED**, that the Kirkland Town Board adopt Local Law #1 of 2022, entitled, "A Local Law to amend the code of the Town of Kirkland, Chapter 118, Article VI thereof entitled, Antennas; Solar and Wind Energy Systems." (A copy of LL #1 of 2022 has been made a part of these minutes)

## **TOWN OF KIRKLAND COUNTY OF ONEIDA, STATE OF NEW YORK**

### **Local Law No. 1 of 2022**

**A Local Law to amend the code of the Town of Kirkland, Chapter 118, Article VI thereof entitled, Antennas; Solar and Wind Energy Systems.**

BE IT HEREBY ENACTED by the Town Board of the Town of Kirkland as follows:

Section 1.

Chapter 118 of the Code of Town of Kirkland is modified and amended to provide as follows:

**Amend:** Section 118-49, D. 4.

D. General Requirements

4. Permitting Fees for all Solar Energy Systems shall be set by the Town. In addition, an applicant shall also be responsible for costs of Planning Board and/or reviewing Board's outside consultant fees and expenses, including without limitation, engineering, survey and legal. The permitting fees are subject to review and modification on a periodic basis. Prior to commencing application review Tier 3 system applicants will be required to execute a written fee escrow agreement and place on deposit with the Town sufficient funds estimated by the Town as necessary for review of the applicant's application, including without limitation, initial submissions and the decommissioning plan.

**Amend:** Section 118-49, G.

G. Permitting Requirements for Tier 3 Solar Energy Systems

Tier 3 Solar Energy Systems are not permitted in R-TC and R-M zoning districts. In all other districts, Tier 3 Solar Energy Systems are permitted through issuance of a special use permit and subject to site plan application and review by the Planning Board, subject to requirements set forth in this Chapter 118.

1. Applications for installation of Tier 3 Solar Energy Systems shall be:

- (a) subject to a pre-submission scoping review to address the requirements and project scope prior to submission of an application for a Tier 3 Solar Energy System.
- (b) reviewed by the Planning Board for completeness. Applicants shall be advised within 30 business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.
- (c) subject to a public hearing to hear all comments for and against the application. The Planning Board of the Town shall have a notice printed in a newspaper of general circulation in the Town no less than 7 days and no more than 20 days in advance of such hearing. Applicants shall have delivered the notice by first class mail to adjoining landowners or landowners within [200] feet of the property at least [10] days prior to such a hearing. Proof of mailing shall be provided to the Planning Board at the public hearing.
- (d) referred to the Oneida County Planning Department pursuant to General Municipal Law § 239-m if required.
- (e) upon closing of the public hearing, the Planning Board shall take action on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The 62-day period may be extended upon consent by both the Planning Board and applicant.
- (f) subject to an application to, and approval by, the Zoning Board of Appeals of a Special Use Permit, following final site plan review

**Amend:** Section 118-49, G. 8(c)

- a. The deposit, executions, or filing with the Town Clerk of cash, bond, or other form of adequate security deemed acceptable to the Town attorney and/or engineer, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of the bond or security shall be [125]% of the cost of removal of the Tier 3 Solar Energy System and restoration of the property together with an annual escalator as is deemed appropriate under the circumstances.
- b. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or adequate security shall be forfeited to the Town which shall be entitled to maintain an action thereon. The cash deposit, bond, or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.
- c. In the event of default or abandonment of the Solar Energy System, the system shall be decommissioned as set forth in Section 8(b) and 8(c) herein.
- d. If a bond is posted to meet this requirement, the bond issuing company must have a current A.R. Best rating of A- or higher. All decommissioning removal and remediation fund requirements must be met before a building permit is issued.

**Amend:** Section 118-49, G. 10.

Section 118-49, G. 10. is renamed:

- 10. Special Use Permit Standards and Planning Approval Development Standards.

**Amend:** Section 118-49. J.

J. Permit Time Frame and Abandonment

- A. The Special Use Permit and site plan approval for a Solar Energy System shall be valid for a period of 12 months, provided that a building permit is issued for construction. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the Planning Board, within 12 months after approval, the applicant or the Town may extend the time to complete construction for 180 days. If the owner and/or operator fails to perform substantial construction after 18 months, the approvals shall expire.
- B. Upon cessation of electricity generation of a Solar Energy System on a continuous basis for 12 months, the Town may notify and instruct the owner and/or operator of the Solar Energy System to implement the decommissioning plan. The decommissioning plan must be completed within 180 days of notification.
- C. If the owner and/or operator fails to comply with decommissioning upon any abandonment of, the Town may, at its discretion, utilize the bond and/or security for the removal of the Solar Energy System and restoration of the site in accordance with the decommissioning plan.

Section 2.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause provision or phrase of the aforementioned sections, as declared by the valid judgment of any Court or competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 3. Statement of Authority.

This Local Law is adopted pursuant to authority vested in the Town Board by New York State Constitution Article IX, Section 2; Sections 10, 11 and 22 of the New York Municipal Home Rule Law; relevant portions of the New York Town Law; the Code of the Town of Kirkland; and the general police power of the Town of Kirkland to promote health, safety, and welfare of all residents and property owners in the Town.

Section 4.

All other provisions of Chapter 118 of the Code of the Town of Kirkland, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

Section 5.

This Local Law shall become effective upon filing in the Office of the Secretary of State of the State of New York as provided in Section 27 of the Municipal Home Rule Law.

**Roll Call Vote:**

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Aye
Councilwoman Donna E. Yando	Aye
Councilman Richard J. Maxam	Absent



Councilwoman Melanie L. O’Neil      Aye

Public Hearing regarding American Rescue Plan Funds:

Mona Perrotti stated that she supported all Mr. Orvis had to say. She asked if the Board knew what they may do with the funds, the Board at this time, does not know.

Budget Director Tony Arcuri said that originally the funds were to be spent on businesses such as restaurants with problems, it was then opened up to any government activity.

**RESOLUTION #37**

Upon motion by Councilwoman Yando, seconded by Councilman Colarusso, the following resolution was ADOPTED:

**RESOLVED**, that the Public Hearing for the American Rescue Plan Funds be closed at 7:34 p.m.

**Roll Call Vote:**

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Aye
Councilwoman Donna E. Yando	Aye
Councilman Richard J. Maxam	Absent
Councilwoman Melanie L. O’Neil	Aye

AUDIT BILLS

**RESOLUTION #38**

Upon motion by Councilman Colarusso, seconded by Councilwoman O’Neil, the following resolution was ADOPTED:

**RESOLVED**, that the Kirkland Town Board review and approve the bills as audited: The totals were:

- A -**    18,694.15
- B -**    3,340.00
- DA -**   12,936.14
- SS1 -**   2,329.26
- SS2 -**    671.08
- SS4 -**    468.67

**CAP FUND H - 7,600.**

**Roll Call Vote:**

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Aye
Councilwoman Donna E. Yando	Aye
Councilman Richard J. Maxam	Absent
Councilwoman Melanie L. O’Neil	Aye

Councilman Colarusso said that the Highway Department benefits us all from summer to winter. It is important to have quality employees, the Town offers good pay, benefits and health insurance. If anyone knows of anyone looking for a job please have them call Jon Scott.

There being no further business to come before the Town Board, upon motion by Councilwoman Yando, seconded by Councilman Colarusso, the meeting was adjourned at 7:37 p.m.

Donna B. Maxam, Town Clerk