

TOWN OF GHENT
TOWN BOARD MEETING
November 19, 2020

The Regular Meeting of the Town Board was held November 19, 2020 via the "Zoom" online meeting platform Supervisor Benvenuto opened the meeting at 7:00 pm.

Present were: Michael Benvenuto	Supervisor
Charles Wood	Councilman
Koethi Zan	Councilwoman
Patti Matheney	Councilwoman
Mallory Mort	Councilman
Ben Perry	Highway Superintendent
Matthew Cabral	Attorney for Town

MOTION #1 TO OPEN THE MEETING FOR PUBLIC COMMENT made by Councilman Mort, seconded by Councilman Wood and approved unanimously.

Ayes: 5 Benvenuto, Wood, Mort, Zan, Matheney

Nays: 0

No comment

MOTION #2 TO CLOSE PUBLIC COMMENT AND OPEN THE MEETING made by Councilwoman Matheney, seconded by Councilwoman Zan and approved unanimously.

Ayes: 5 Benvenuto, Wood, Matheney, Mort, Zan

Nays: 0

MOTION # 3 TO ACCEPT THE TOWN BOARD MINUTES FROM OCTOBER 15, 2020 made by Councilwoman Matheney, seconded by Councilwoman Zan and approved unanimously.

Ayes: 5 Benvenuto, Wood, Matheney, Mort, Zan

Nays: 0

MOTION # 4 TO ACCEPT THE CONSENT AGENDA made by Councilman Mort, seconded by Councilwoman Zan and approved unanimously.

Ayes: 5 Benvenuto, Wood, Matheney, Mort, Zan

Food Pantry numbers for October- Families 70, Children 80, Adults 113, Seniors 44, New Clients 3, 3421 pounds of food Thanksgiving dinner distribution will be November 21, 2020. Gift cards and turkey.

PLANNING, ZONING and COMMITTEES:

Councilman Mort informs the Board the charging station is back up and running. Councilwoman Matheney and David Newman discussed a grant available to assist the Town in organizing themselves for the future to reach the Bronzes Level of Climate Smart. The CC Board of Supervisors approved a resolution to join the Climate Smart program.

HIGHWAY:

We have officially switched equipment over to winter ready. We have been concentrating on cleaning our ditches out to prevent issues with our drainage systems. Snow fence is going up. We are just about completed with our truck rehab and unit will be ready for snow season. We have started some shoulder and ditch projects for future paving jobs. We have summited all of the paper work to the State for our request of the state aid money. Other than that everyone is healthy and we are still serving the town to the best of our ability.

MOTION #5 TO ACCEPT THE HIGHWAY REPORT made by Councilman Mort seconded by Councilman Wood and approved unanimously.

Ayes: 5 Benvenuto, Zan, Mort, Matheney, Wood

Nays: 0

UNFINISHED BUSINESS:

NEXAMP- Councilwoman Matheney recused and left the meeting at 7:30pm.

Attorney Cabral- the Planning Board as lead agency has issued an negative declaration for the purpose of SEQR and the CCPB reviewed and identified the project as a local decision. The Board can now choose how to move forward.

Councilman Mort- supports the project, in light of the benefits for the town and its residents. It is truly a community solar project. Does not believe a precedent is being set, boards before have made changes to zoning to accommodate what is in the best interest of the town. Not doing this because a Town board member's involvement in project. Change is benefiting the Town, not strictly a land owner. Comfortable voting in favor of change.

Councilman Wood- agrees with Councilman Mort, it benefits the town.

Supervisor Benvenuto- the resolution tonight covers all the points raised in relation to this project and the public's positive response to this change. From the Supervisors perspective, the financial benefits to the Town's budget over the next 15 years of pilots has to be acknowledged as well.

Councilwoman Zan- having attended all the meetings with Nexamp, they have done a wonderful job presenting. Visual impact low with screening, low impact regarding lighting and noise. Generates benefits to the town.

Attorney Cabral read aloud Resolution # 33 for the year 2020.

WHEREAS, THE TOWN BOARD HAS BEFORE IT PROPOSED LOCAL LAW NO. 1 OF 2020, WHICH WOULD AMEND THE TOWN OF GHENT ZONING MAP TO FACILITATE THE CONSTRUCTION OF A COMMUNITY SOLAR PROJECT FRONTING ON ROUTE 9-H IN THE VICINITY OF THE COLUMBIA COUNTY AIRPORT. WHEREAS, THE PROPOSED LOCAL LAW NO. 1 OF 2020 STEMS FROM A PETITION SUBMITTED TO THE TOWN BOARD BY NEXAMP, A SOLAR ENERGY COMPANY SEEKING TO CONSTRUCT TWO GROUND MOUNTED SOLAR ARRAY COMPRISED OF A NORTHERN "SITE A" AND A SOUTHERN "SITE B". WHEREAS, SITE A IS A PROPOSED 5 MW ARRAY ENCOMPASSING 26.6 ACRES WITHIN A FENCED ARRAY SITE LOCATED ENTIRELY WITHIN THE EXISTING C-1 COMMERCIAL ZONE AND SITE B IS A PROPOSED 5MW ARRAY ENCOMPASSING 32.2 ACRES WITHIN A FENCED ARRAY SITE PARTIALLY LOCATED WITHIN THE EXISTING C-1 ZONE AND PARTIALLY WITHIN THE EXISTING RRA-1 RESIDENTIAL AGRICULTURAL ZONE. WHEREAS, BECAUSE COMMERCIAL SOLAR PROJECTS OF THIS TYPE ARE NOT PERMITTED IN THE RRA-1 ZONE SITE B FEASIBILITY REQUIRES THE REZONING OF 16.7 ACRES OF LAND CURRENTLY ZONED RRA-1 TO C-1. WHEREAS, IN ORDER TO OFFSET THIS CHANGE, THE PROPOSAL CALLS FOR AN ADDITIONAL 16.7 ACRES OF LAND CURRENTLY ZONED C-1 TO BE REZONED RRA-1 SO THAT THERE IS NO NET CHANGE TO THE SIZE OF THE TOWN'S CURRENT ZONING DISTRICTS. WHEREAS, TO FURTHER LIMIT THE IMPACT OF THE REZONING, A DEED RESTRICTION WOULD BE PLACED ON THE RRA-1 LAND THAT WOULD BECOME C-1 IN ORDER TO LIMIT ITS COMMERCIAL USE TO SOLAR ENERGY SYSTEM USES ONLY AND RESTRICT ALL OTHER POTENTIAL COMMERCIAL USES OF THE PREMISES. WHEREAS, ON JULY 16, 2020, THE TOWN BOARD ACCEPTED THE NEXAMP ZONING CHANGE PETITION, CLASSIFIED THE ACTION AS A TYPE I ACTION FOR PURPOSES OF THE STATE ENVIRONMENTAL QUALITY REVIEW ACT, AND INITIATED A COORDINATED SEQR REVIEW WITH A REQUEST THAT THE TOWN OF GHENT PLANNING BOARD SERVE AS LEAD AGENCY. WHEREAS, ON NOVEMBER 4, 2020, THE TOWN OF GHENT PLANNING BOARD DETERMINED THAT THE PROJECT WILL RESULT IN NO SIGNIFICANT ADVERSE IMPACTS ON THE ENVIRONMENT AND ISSUED A NEGATIVE DECLARATION FOR PURPOSES OF SEQR. WHEREAS, THE PROPOSED ZONING MAP AMENDMENT WAS REFERRED TO THE COLUMBIA COUNTY PLANNING BOARD, WHICH REVIEWED THE MATTER AND INDICATED THAT ADOPTION OF THE PROPOSED AMENDMENT IS A LOCAL DECISION WITH NO SIGNIFICANT COUNTY-WIDE OR INTERCOMMUNITY IMPACTS ASSOCIATED WITH IT. WHEREAS, A PUBLIC HEARING WAS HELD BEFORE THE GHENT TOWN BOARD ON SEPTEMBER 17, 2020, AFTER DUE AND PROPER NOTICE BY PUBLICATION AND POSTING, FOR THE PURPOSE OF CONSIDERING ADOPTION OF THE PROPOSED ZONING MAP AMENDMENT. WHEREAS, AT THE PUBLIC HEARING AND IN WRITTEN SUBMISSIONS THE TOWN BOARD RECEIVED AN OUTPOURING OF PUBLIC SUPPORT FOR THE PROPOSED ZONING MAP AMENDMENT AND RELATED COMMUNITY SOLAR PROJECT. WHEREAS, THE TOWN BOARD HAS DETERMINED THAT THE PROPOSED LOCAL LAW NO. 1 OF 2020, IF ADOPTED, WOULD BE APPROPRIATE AND IN THE BEST INTERESTS OF THE RESIDENTS OF THE TOWN OF GHENT BASED, INTER ALIA, ON THE FOLLOWING FINDINGS:

1. THE ZONING MAP AMENDMENT, MADE FOR THE PURPOSE OF THE FACILITATING THE CONSTRUCTION OF A COMMUNITY SOLAR PROJECT WITHIN THE TOWN, IS CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN, SPECIFICALLY GOAL 6 THEREOF AS IT RELATES TO THE PROMOTION OF GREEN DEVELOPMENT AND DISFAVORS ADDITIONAL CAR-ORIENTED STRIP STYLE DEVELOPMENT.
2. THE ZONING MAP AMENDMENT IS CONSISTENT WITH THE TOWN'S STATUS AS A CLIMATE SMART COMMUNITY.

3. IN 2016 THE TOWN'S ZONING REVIEW COMMITTEE INITIALLY RECOMMENDED REZONING AS COMMERCIAL THE LAND THAT WOULD BECOME C-1 COMMERCIAL IF THE ZONING MAP AMENDMENT IS ADOPTED.
4. THE ZONING MAP AMENDMENT AMOUNTS TO A ROUGHLY EQUIVALENT SWAP OF COMMERCIAL AND RESIDENTIAL LAND WITHIN A SINGLE SPLIT-ZONED LOT, BUT IMPROVES THE RESIDENTIAL PORTION OF THE SPLIT LOT BY MOVING IT FARTHER FROM THE AIRPORT AND NEARER TO OTHER RESIDENTIAL PARCELS AND THE COMMERCIAL PORTION OF THE SPLIT LOT BY MOVING IT NEARER THE AIRPORT AND OTHER COMMERCIAL PARCELS.
5. A DEED RESTRICTION WILL LIMIT THE USE OF THE NEW COMMERCIAL PORTION OF THE SPLIT LOT TO SOLAR ENERGY SYSTEM USES ONLY AND RESTRICT ALL OTHER POTENTIAL COMMERCIAL USES OF THE PREMISES.
6. THE ZONING MAP AMENDMENT FACILITATES THE CONSTRUCTION OF A COMMUNITY SOLAR FARM THAT WILL PRODUCE CLEAN ENERGY AT A REDUCED COST TO RESIDENTS OF THE TOWN AND COUNTY.
7. A PILOT AGREEMENT WITH THE TOWN WILL PROVIDE APPROXIMATELY \$500,000 IN REVENUE TO THE TOWN OVER THE NEXT 15 YEARS, WHICH AMOUNTS TO A TEN-FOLD TAX INCREASE FOR THE PARCEL.
8. THE COMMUNITY SOLAR PROJECT WILL PROVIDE \$40,000 IN ADDITIONAL FUNDING TO THE TOWN FOR DISCRETIONARY PROJECTS.
9. THE PROJECT WILL BE EXTREMELY LOW IMPACT, WITH NO LIGHTS, TRAFFIC, OR NOISE ONCE CONSTRUCTION IS COMPLETED, BUT THE BENEFITS TO THE TOWN AND ITS RESIDENTS WILL BE SUBSTANTIAL.

NOW, THEREFORE, UPON MOTION DULY MADE AND SECONDED IT IS RESOLVED, BY THE TOWN BOARD OF THE TOWN OF GHENT THAT THE ADOPTION OF LOCAL LAW NO. 1 OF THE YEAR 2020 IS HEREBY APPROVED AND SHALL BECOME EFFECTIVE IMMEDIATELY.

MOTION # 6 TO APPROVE RESOLUTION # 33 made by Councilman Mort seconded by Councilwoman Zan and approved unanimously.

Ayes: 4 Benvenuto, Zan, Mort, Wood

Nays: 0

Councilwoman Matheney rejoined the meeting at 7:50 pm.

MOTION # 7 TO ADOPT THE 2021 TOWN OF GHENT BUDGET made by Councilman Wood, seconded by Councilwoman Zan and approved unanimously.

Ayes: 5 Benvenuto, Zan, Mort, Matheney, Wood

Nays: 0

NEW BUSINESS:

MOTION # 8 TO SET PUBLIC HEARING FOR FIRE COMPANIES ON DECEMBER 17, 2020. GHENT FIRE AT 6:45PM, CHATHAM FIRE 6:50PM AND WEST GHENT FIRE AT 6:55PM made by Councilman Mort, seconded by Councilwoman Matheney and approved unanimously.

Ayes: 5 Benvenuto, Zan, Mort, Matheney, Wood

Nays: 0

MOTION #9 TO ACCEPT THE 2021 COLUMBIA GREENE HUMANE SOCIETY CONTRACT made by Councilman Mort, seconded by Councilman Wood and approved unanimously.

Ayes: 5 Benvenuto, Zan, Mort, Matheney, Wood

Nays: 0

MOTION # 10 TO APPROVE THE CHATHAM, VALATIE AND GREENPORT RESCUE SQUAD CONTRACTS FOR 2021 made by Councilman Mort, seconded by Councilman Wood and approved unanimously.

Ayes: 5 Benvenuto, Zan, Mort, Matheney, Wood

Nays: 0

MOTION #11 TO APPROVE THE TRANSCO ROAD USE AGREEMENT made by Councilman Mort, seconded by Councilman Wood and approved unanimously.

Ayes: 5 Benvenuto, Zan, Mort, Matheney, Wood

Nays: 0

PAYMENT OF AUDITED BILLS AND ACCEPTANCE OF MONTHLY BUDGET REPORT:

AUDITED BILLS:

General A	\$22962.95
S.L.	\$892.50
General B	\$4752.23
Highway DB	\$35307.33
TOTAL:	\$64215.01

MOTION #12 TO PAY ALL AUDITED BILLS AND ACCEPT THE MONTHLY FINANCIAL REPORT made by Councilman Wood, seconded by Councilwoman Matheney and approved unanimously.

Ayes: 5 Benvenuto, Wood, Zan, Matheney, Mort

Nays: 0

No public comment

MOTION # 13 TO ADJOURN THE 8:10 PM made by Councilman Wood, seconded by Councilwoman Zan approved unanimously.

Ayes: 5 Benvenuto, Wood, Zan, Matheney, Mort

Nays

Respectfully Submitted, Michelle Radley Town Clerk