

Town of Rodman
12509 School Street
Rodman, NY 13682
Public Hearing
September 13, 2023
7:00 PM

A scheduled meeting of the Public Hearing of the Town of Rodman, County Jefferson and the State of New York was at the Community Hall Offices, 12509 School Street, Rodman, NY on the 13th day of September, 2023.

PRESENT:	Lisa Worden	-----	Supervisor
	Arthur Baderman	-----	Councilman
	Vance Carpenter	-----	Councilman
	Stuart Tamblin	-----	Councilman
	Micheal Gaylord	-----	Councilman
	Dale Tamblin	-----	Highway Superintendent
	Jamie Ackley	-----	Town Clerk
	Nancy Vlahos	-----	RIC Energy
	Bill Beach	-----	Adams Center

Supervisor Lisa Worden called the Public Hearing meeting to order at 6:00 pm, at the Rodman Community Hall.

The Public Hearing was held to invite public comments concerning the Town of Rodman establishing a moratorium on Commercial Solar Facilities and Solar farms in the Town of Rodman...

Supervisor Lisa Worden was asked to read an email from RIC Attorney, Senior Associate, Hodgedon Russ LLP Henry A. Zomerfeld. The email is as follows;

As discussed on Friday about the proposed local law related to the moratorium, we have some concerns about the added language to Section 5. It appears to be contrary to the prior discussions about exempting the project, and leads to ambiguity as to what the intent of that provision is. It indicates in the second to last sentence that, in consideration of the development agreement RIC will enter into concerning the Town's expenses and that the eventual comp plan requirements will apply to the project, the project will be exempt.

It then goes on to provide that "[t]he Final approval of the Application of Rodman PV, LLC cannot be granted by the Town Planning Board until the laws, rules and regulations that may result from this Law's Moratorium are approved by the Town Planning Board and the Town Board and finalized by the Town Board."

I read this to suggest that no review or approval of the project application be conducted or issued until the moratorium becomes effective. But there is a further concern with this verbiage because, as in current form, such review and approval will not be done until "the laws, rules and regulations that may result from this Law's Moratorium are approved" *i.e.*, the comp plan. The comp plan is the main purpose of the moratorium. Based on prior discussions, and the language of Section 5 itself, the project is to comply with "laws, rules or regulations that the Town develops during the period of the Moratorium as it pertains to solar projects."

Thus, the project will comply with the recommendations of the solar section of the comp plan. The intent was always to avoid delaying project approval up because of how long the comp plan formulation and approval process takes, which would jeopardize the viability of the project. The intent was also to exempt the project from the moratorium. In exchange, to facilitate that process, RIC agreed to negotiate a development agreement to address the expenses the Town will include as part of this review, including engineering and legal review. If this process isn't happening, the agreement serves no purpose. Again, this only adds to the confusing intent of the law, and all the more why the language quoted above should be removed. In its current form the local law is internally inconsistent.

I am not clear what purpose the quoted sentence serves in Section 5. Unfortunately, no clarity could be provided on our call to help us better understand why this language was added. Lisa and I both read it differently, which confirms the ambiguity highlighted. We would suggest for clarity and to avoid confusion that the language be stricken entirely. This new language swallows the remaining language of the law.

I welcome the opportunity to speak with you further on this in hopes to resolve these concerns ahead of the public hearing on Wednesday. Kindly share this with the Town Supervisor so she can convey the same to the Board and so it is included for consideration at the public hearing.

Thanks,

Henry

**Henry A.
Zomerfeld**
Senior Associate
Hodgson Russ LLP

RIC Nancy Vlahos stated after the meeting with Supervisor Lisa Worden and Planning Board Chairman John Stinson RIC was under the impression that RIC Energy would be "carved" out of the Moratorium in the Town of Rodman. Ms. Vlahos stated there are certain time frames that RIC has to comply with and they feel they may not meet the requirement if they have to wait for the comprehensive plan to be complete.

Councilman Arthur Baderman stated the project that RIC Energy has started can move forward. Mr. Baderman stated there is nothing stopping RIC from working on and moving forward with the project.

Town resident Bill Beach asked if National Grid was someone local or out of the area. Mr. Beach has concerns with the RIC project due to the power box being in his front yard. Supervisor Lisa Worden stated she would look into that for Mr. Beach.

Supervisor Lisa Worden motions to terminate the public Hearing at 7:00 pm

Respectfully submitted,

Jamie Ackley, Town Clerk