

## April 24,2024 TOWN BOARD

A Special meeting of the Town Board of the Town of Root, County of Montgomery and State of New York was held at the Town Hall, 1048 Carlisle Road, Sprakers, New York on the 24<sup>th</sup> day of April 2024.

**PRESENT:** Gary Kamp Supervisor  
LuEmma Quackenbush Councilwoman  
Donald Bramer Councilman  
Jade Weiss Councilwoman  
Marcia Shults Town Clerk  
Brett Preston Attorney

**ABSENT:** John VanKersen Councilman

### **PUBLIC COMMENT:**

Supervisor Kamp opened the public comment at 7:00 Pm.

Supervisor Kamp ended the Public Comment at 7:36 Pm.

**OTHERS PRESENT:** Collen Pank, Board of Appeals; Dustin Pank, Planning Board; many Town residents.

**Supervisor Kamp opened the meeting at: 7:00 Pm.**

### **AGENDA:**

Supervisor Kamp presented the agenda for the meeting.

Councilwoman **Quackenbush** motioned, seconded by Councilwoman **Weiss** to adopt the agenda.

Ayes 5 – Kamp, Bramer, Quackenbush, Weiss

Nays 0

Resolution No. 8 of 2024

To retain counsel for the Town of Root regarding the application of Flat Creek Solar.

**BOARD MEMBER: Quackenbush** presented the following Resolution and moved its adoption.

#### **WHEREAS:**

The Town of Root Town Board is desirous of hiring counsel to represent the Town with regard to the application of Flat Creek Solar, LLC before the New York State Office or Renewable Energy Siting (ORES); and

#### **Whereas:**

The Town Board is in receipt of a proposal from Attorney Dwight Kanyuck of the law firm of Knauf Shaw, LLP to represent the Town in this proceeding;

#### **NOW, THEREFORE, BE IT RESOLVED:**

That the Root Town Board hereby accepts the proposal of Attorney Kanyuck to represent the Town in this proceeding and authorizes the Town Supervisor to execute any and all documents with regards to hiring of Attorney Kanyuck in this proceeding.

**SECONDED BY BOARD MEMBER: Weiss**

Adopted by the following vote:

Ayes: 4                Noes: 0

Resolution No. 9 of 2024

Adopting Local Law No. 1 of 2024 "The Solar Energy Facilities Law of the Town of Root"

**WHEREAS:**

Proposed Local Law No. 1 of 2024 of the Town of Root entitled "Solar Energy Facilities Law -Town of Root" which proposed Local Law was presented in its final form to the Town Board at the meeting held on April 10,2024 and a copy thereof was kept with the Town Clerk and copies were laid upon the desks of the members of said Town Board at least ten (10) days, exclusive of Sundays, prior to its final passage; and

**WHEREAS:**

A public hearing on the advisability of enacting said proposed Local Law was held on April 24,2024, before this Town Board, pursuant to public notice duly published in the Daily Gazette, as well as notice on the Town website and the Town notice Board, as well as to the County and adjoining municipalities as required by law; and

**WHEREAS:**

All required referrals to the Montgomery County Planning Board, the Town of Root Planning Board and the Town of Root Board of Appeals, as well as all required publications and postings, have been properly completed; and

**WHEREAS:**

The Town Board of the Town Board of the Town of Root, New York is of the opinion that adoption of said proposed Local Law No. 1 of 2024 is in the best interest of the Town Root, New York; and

**WHEREAS:**

The Town Board has determined that the adoption of the new Solar Energy Facilities Law of the Town of Root is Type 1 action pursuant to the NYS Environmental Quality Review Act; and

**WHEREAS:**

At the meeting held on April 10,2024, the Town Board of the Town of Root, New York declared its intent to be SEQRA lead agency for the review of this Type 1 action; and

**NOW, THEREFORE, BE IT RESOLVED,**

By the Town Board of the Town of Root, New York that, as the lead agency under SEQURA, the Town Board hereby determines that this Local Law will not result a significant adverse impact on the environment and the attached negative declaration, incorporated herein by reference, is issued and adopted for the reasons stated in the attached negative demarcation, and parts 1,2 and 3 of the Environmental Assessment Form are also approved and incorporated herein by reference; and

**BE IT FURTHER RESOLVED**

That the Town Supervisor is hereby authorized to sign and file or have filed on behalf of the Town of Root all documents necessary to comply with SEQRA; and

**BE IT FURTHER RESOLVED**

That said proposed Local Law No. 1 of 2024 be and the same is herby adopted and such Local Law shall be entered in the minutes of the Root Town Board; and

**BE IT FURTHER RESOLVED**

That certified copies of said Local Law No. 1 of 2024 in its final form be filed with the New York State Secretary of State in accordance with law. And

**BE IT FURTHER RESOLVED,**

That this Local Law in its final form shall become effective as provided by law upon it filling in the Office of Sectary of State.

**BOARD MEMBER: Quackenbush moved its adoption SECONDED BY BOARD MEMBER: Weiss**

Adopted by the following vote:

Ayes: 4                Noes: 0

**EXECUTIVE SESSION:**

Councilwoman weiss motioned seconded by Councilwoman Quackenbush to go into executive session at 7:23 Pm. Regarding counsel for the Town of Root application of Flat Creek Solar, LLC before the New York State Office of Renewable Energy Siting (ORES).

Ayes 4 – Kamp, Bramer, Quackenbush, VanKersen, Weiss Nays 0

Councilwoman Quackenbush seconded by Councilman Weiss to come out of executive session at 7:35 Pm.

Ayes 4 – Kamp, Bramer, Quackenbush, VanKersen, Nays 0

**ADJOURN:**

Councilman Bramer motioned seconded by Councilwoman Weiss to adjourn at 7:41 Pm.

**Respectfully Submitted,**