

MINUTES OF THE 443st MEETING
OTSEGO COUNTY PLANNING BOARD

Meadows Office Building
Middlefield, NY

February 9, 2009
6:00 P.M.

1. Call to Order
The meeting was called to order by Tom Clarke at 6:00 pm.
2. The following members were recorded as present: Phil Durkin, Tom Clarke, Jeff House, Mark Babilonia, Dave Parker and Flo Loomis. Ron Streek, Scott Fickbohm and Betty Ann Schwerd were absent with excuse. Also present were Terry Bliss, Karen Sullivan – staff.
Guests included: James Powers- County Chairman, Martha Stayton-Dist. 11 Representative, Mark Davis of Davis Disposal, Mike Powers-Town of Burlington Planning Board, and other members of the public.
3. Tom Clarke asked to dispense with the reading of the minutes. Upon a motion by Dave Parker, seconded by Phil Durkin, and unanimously approved, the board agreed to dispense with the reading of the minutes and adopt the minutes of January 12, 2009 as presented.
4. Report of Communications – none were received.
- 5a. Committee Reports – Nominating committee member Mark Babilonia reported the results of the committee report. Upon a motion by Mark Babilonia, seconded by Dave Parker, and unanimously approved, the board agreed to adopt the following officers for 2009; Chairman, Ron Streek; Vice Chairman, Jeff House; Secretary, Flo Loomis.

In the absence of Chairman Ron Streek, Jeff House, Vice Chairman presided over the remainder of the meeting.

Terry Bliss took the opportunity to introduce the attending guests, Chairman James Powers, District 11 Representative Martha Stayton, Jim Simpson, Jim Andela, Adrian Kuzminski, and Mark Davis from Davis Disposal.

Upon a motion by Mark Babilonia, seconded by Dave Parker and unanimously approved, the board agreed to accommodate Mr. Davis and move to item 8b on the agenda.

- 8b. Referral # 21-09-01 is a request for a use variance from the Town of Oneonta Zoning Board of Appeals, from Mark Davis of Davis Disposal. Mr. Davis intends to locate his refuse transportation business at his current residence on NYS Route 205 in the Town of Oneonta. The property is located in an RA-40 zone and does not allow for this type of use. Jeff House read a letter from Town Code Enforcement officer Paul Neske and the NYS Department of Transportation stating the applicant will need to apply for an access permit. Karen Sullivan read the four necessary conditions the applicant must prove under State law in order for a use variance to be granted. Mr. Davis explained to the board he plans to locate two (2) trucks, two (2) packers and one pick up truck on the 7.1 acres he owns and eventually build a garage for enclosure. Mr. Davis made a point to inform the board the surrounding properties include Halls Garage and Teppco Gas Company. Mr. Davis stated there are currently trucks coming and going from each of these establishments and his operation will not change the character of the neighborhood. Dave Parker said he talked to County Representative Rich Murphy and discussed the fact the area is a mixed use and that similar operations exist now. Dave is not sure whether or not all the existing properties in the area are grandfathered but does not feel Mr. Davis should be penalized for his proposal. Following further discussion, and upon a motion by Mark Babilonia, seconded by

Flo Loomis and unanimously approved, the board recommend approval.

- 6a. Terry Bliss referred to an e-mail he sent last Friday to the Solid Waste and Environmental Concerns Committee suggesting someone from the committee attend tonight's meeting to help convey a clear message of what the SWECC/BOR would like the CPB to do in the way of Sustainability or Energy. Jim Powers and Martha Stayton were in attendance in response to the e-mail. Terry shared his conversation with the SWECC Chairman Sam Dubben. Jeff House agreed there has been much confusion and frustration and we still are not clear what is expected of us. Jim Powers addressed the board to say he felt there were two pressing items to consider, wind energy and gas drilling. How can local legislation help the County deal with the impact of gas drilling, mud farming etc.?

Jeff House asked if the board can come up with reasonable recommendations lumping items together in a regulatory means, is there County support. Jim Powers responded by saying he felt there would be strong support and a willingness to listen, but the County may be hard pressed to listen to the creation of an authority because of its relationship with MOSA. Martha Stayton asked if we have a clear picture of the water quality, road conditions etc. in the county in order to understand the impact on our resources. Jeff House agreed it is important to know where we stand and he appreciates the input.

Adrian Kuzminski, member of Sustainable Otsego, said initially they came to the County looking for help for local governments and communities and how they might manage locally and support themselves. Jim Andela asked if the County could come up with a comprehensive plan to either make own energy or control energy production.

Jeff House stated we need to pick an issue and move forward. Flo Loomis mentioned she has a problem with the word Authority. An authority will come later; we are an advisory board that hopes our work will be put to good use. Dave Parker agreed that it is the County's decision to decide on an authority, but suggested not to eliminate the concept of an "authority" completely. Phil Durkin stated the price of gas changes the view point of individuals. Can we prepare a plan to protect ourselves and our surroundings? Do we think we have enough regulation in place now to make sure whatever happens will protect us?

Following continued discussion, Dave Parker presented a resolution broader and less restrictive than Mark Babilonia's. Dave emphasized the resolution is strictly for discussion. Mark Babilonia felt Dave's resolution is distinctly different than his and made a motion to include Dave's resolution on the agenda in the context of energy authority. Further discussion continued and the board agreed to place Dave's resolution on next month's agenda under 6a *County board considerations to address concept of forming an energy authority.*

The board agreed to move to item 7, New Business in order to accommodate guest Mike Powers.

- 7a. Mike Powers, member of the Town of Burlington Planning Board presented his concerns with the proposed NYRI power line. Mike would like to see some sort of local control to address the potential impacts from the proposal and/or a way to encourage the implementation of alternative measures of construction through mitigative measures of recognized options, such as placing the lines underground or placing the lines on the existing Marcy Power lines. Mr. Powers stated he believes no matter how much letter writing occurs, the power line will still go through and he is asking for guidance and suggestions for the local communities to consider. Flo Loomis questioned the possibility of connecting to the existing towers stating they may not be able to accommodate the additional lines. Jeff House said we don't have much expertise in the matter, but was sure there are other groups addressing the same concerns. When asked if anyone knew of other local groups that were addressing this issue, Terry Bliss stated he was not aware of any but was sure they existed.
- 6b. Mark Babilonia distributed a summary of discussions on the subject of the County's goal to establish a County-wide "Alternative Energy Policy", and asked to suspend discussion and place on next months agenda.

The board agreed.

- 6c. Affordable Housing – Jeff House stated it is important to keep the board updated on the progress of the housing study. Karen Sullivan stated the housing working committee met with the consultant on January 29th. The department is currently preparing a map with identified regions within the County. The next steps include a tour of the County and possible survey of the county representatives. Karen said she will place Jeff’s name on the distribution list to keep him updated and aware of future meetings.
- 6d. Mark Babilonia mentioned he has been in contact with a Jim Hotaling, Executive Director of the Cayuga County Soil and Water Conservation District. Cayuga County has installed a regional digester system that will utilize manure and food waste to produce electricity and heat primarily for Cayuga County buildings housed at the district campus. Anyone interested in visiting the site is invited to come during the week of February 23-27. The board agreed to consider the invitation and extend it to the Solid Waste and Environmental Concerns committee and Public Works committee. Terry Bliss and Mark Babilonia will work out the details and notify others when confirmed.
- 7b. Business brought by members – none
- 8a. Referral 15-09-01 – Referral from the Milford Town Board for Local Law #2 of 2009, an amendment to the Zoning Ordinance to incorporate the town’s transient rental local law #1 of 2009. Karen Sullivan gave a brief summary of the request for amendments which are contingent upon the adoption of the Town’s proposed local law #1, otherwise known as “*Short Term Transient Rental*”. The proposed local law will amend and add various definitions to the Town of Milford Zoning Ordinance in order to be consistent with Local Law #1. Upon a motion by Mark Babilonia, seconded by Flo Loomis and unanimously approved, the board recommended approval of the Town of Milford Local Law #2 of 2009- amendments to the zoning ordinance.
- 8c. Referral 32-09-01 – Referral from the Unadilla Village Planning Board for an application by Rod Kafchinski for a site plan approval to permit the renovation of the second floor of the Bassett Healthcare Clinic into two apartments. Karen Sullivan gave a brief project description noting items listed in the Village zoning law were not necessarily identified on the site plan review. Section 159-91(A) and (B) of the Village law lists items to be included in the review of a site plan. Upon a motion by Flo Loomis seconded by Phil Durkin and unanimously approved, the board recommended approval of the site plan including a recommendation to the Village to include all review items required under their zoning for site plan approval.
9. Terry Bliss suggested consideration of a By-Law committee for the March meeting. At the March meeting the Chairman will appoint the standing committees. Terry Bliss gave a brief summary of the following projects the department is currently working on: Housing, Solid Waste Long Term Plan, Emergency Services Telecommunications and Hazardous Mitigation. Training sessions are scheduled for March 25, April 1 and April 8 at the Meadows. Further details will follow.
10. Upon a motion by Flo Loomis, seconded by Phil Durkin and unanimously approved, meeting adjourned at 8:22 pm.
- 10a. Next meeting March 9, 2009.

Respectfully submitted,

Karen Sullivan

WHEREAS it is the goal of the Otsego County Board of Representatives to prepare the community the future by identifying and creating ways for municipalities, organizations and individuals to implement strategies that save energy, reduce energy costs, and strategically enable alternative/sustainable/renewable power generation initiatives that are environmentally and economically viable to proceed in a manner most beneficial to the county's residents; and

WHEREAS the long term needs of Otsego County residents in relation to the implementation of such a goal require, but may not be limited to, taking steps to establish a county energy project(s) plan, whose purpose will be to promote energy efficient technology and new, alternative and renewable energy sources by using the county's contracting strength to demonstrate a commitment to our energy suppliers our intent to create and expand new and renewable energy programs and take appropriate actions to reduce energy usage and reliance on conventional energy sources and pursuing new opportunities and technologies on county-owned land and in county-owned facilities by exploring and pursuing the development of a county or corporate-owned industrial scale, alternative energy generating enterprise, including digester, bio-energy, wind, geothermal, biomass WTE, solid waste WTE, local natural gas and sun powered options, to meet all county-owned facility electricity, heating and cooling needs.

NOW THEREFORE, be it

RESOLVED, that the Otsego County Board of Representatives directs the Otsego County Planning Board [or Solid Waste and Environmental Concerns Committee] to develop and implement, and to report to the Solid Waste and Environmental Concerns Committee [or Intergovernmental Affairs Committee or the Board of Representatives] annually upon the implementation and progress of such politics, procedures, timelines, and targets as are necessary to make Otsego County the most livable place it can be for its residents and a leading county in the state in effort to utilize local resources, including but not limited to the following initiatives:

Promote energy efficient technology and underutilized, new, alternative and renewable energy sources by taking appropriate actions to reduce energy usage and reliance on external resources by improving capacity, energy efficiency and pursuing new technologies on county-owned land and in county-owned facilities, including:

- a. Develop and strengthen the County's human, scientific, technological, organizational, institutional and resource capabilities;
- b. Use local economic impact assessments, audits and other measures for sustainably integrating energy, environmental and economic policy decisions;
- c. Cooperate with local, state, federal, international officials and the independent sector in identifying economically viable, environmentally sound energy sources for local sustainability;
- d. Coordinate energy plans and studies to determine the feasibility of generating energy from new and renewable sources including digester. bio-energy, wind, geothermal, biomass WTE, solid waste WTE, local natural gas and sun powered options, giving particular attention to enterprises that will integrate a reliable, high efficiency technology with a practical business model to address the unique needs of Otsego County residents and its animal and crop farming industries; and
- e. Pursue the development of a community, outside owned or partnership owned industrial scale new or alternative energy facility that meets all of the counties public heating, cooling and power generation needs while balancing economic advantages and environmental concerns

11-10-1
12-1

Summary of Discussions from July 2006 to February 2009 on the Subject of the County's
Goal to Establish a County-wide "Alternative Energy Policy"

According to minutes of the county planning board's meeting of July 6, 2006, a motion was brought and carried to establish a wind energy committee in response to calls from several planning board members as well as the public to develop an Otsego County alternative energy policy in the event then-anticipated applications were brought before the county planning board to site a privately owned, industrial scale wind development project within the county.

Several meetings were thereafter held by the planning board's specially created "subcommittee [sic] Otsego County's Alternative Energy Policy" on July 31 and December 6, 2006, to address 1. the county's current energy policies, 2. energy usage and 3. the purported stated goal of the Intergovernmental Affairs Committee (IGA) that the planning board study and report on the county's preparedness to review commercial wind energy projects as part of an effort to develop a county comprehensive plan. Discussion also delved into the area of alternative potential energy development sources for the county, including:

1. hydro
2. wind
3. biodigestion (i.e, energy produced from production of methane gas)
4. biomass (i.e, growing crops for ethanol production), and
5. solar

According to minutes of the aforementioned meetings of the "subcommittee" (J. Ahern, T. Pritchard, D. Ghode, R. Streek and T. Clarke), it was reported that while the county currently purchased some wind energy through Community Energy Co., the county had tabled efforts to look into starting its "own electric company" to develop municipal power.

The "subcommittee" in January 2007 voted to disband and work to establish an "Alternative Energy Policy" for the county was thereafter debated by the planning board as a whole under Agenda item 6.

From January 2007 until April 2008, discussion of this topic under Agenda item 6 continued from time to time, although with no clear goal or terms of reference from the county legislature. Consequently, items variously raised by the planning board and members of the planning department included such topics as county office building energy consumption, plans for the conversion of the county fleet of vehicles to less polluting forms of energy than fossil fuels, the experiences of other counties in establishing municipal power generating facilities using renewable energy sources, local food and agriculture, "sustainability," making homes and businesses more energy efficient, and the related issues of reduction and conservation of energy usage. Questions continued to be raised, however, on whether the original intent of the IGA that the

planning board study and report on the desirability of preparing a comprehensive or other plan for use when considering site plan applications for large scale energy producing projects-- such as wind and biomass--were still the focus of its efforts.

While concern continued among some members of the planning board regarding the question of the exact goal and scope of the IGA's original request that the planning board "study and report on this topic," a proposed draft plan and resolution entitled "Climate Action Plan" was presented to the planning board in April 2008. The plan and resolution detailed the main elements of the various topics offered by members of the planning board from July 2006 to date under Agenda Item 6. The plan and resolution, submitted in satisfaction of the IGA's July 2006 reported terms of reference, was offered primarily in order to obtain clarification from the Board of Representatives (BOR) regarding the rate, timing and scale of implementation of actions it might wish to take to 1. eliminate the county's overall carbon footprint by reducing the county's reliance on non-renewable energy sources for power, heating and cooling, 2. save the county money while in the process of converting to alternative, renewable forms of energy production, including exploring in detail the development of an industrial scale, renewable energy generating enterprise to provide power, heat and cooling for county office buildings located at the "Meadows" complex, 3. create a county-wide new and/or existing homes and building energy plan, 4. develop a local food and agriculture plan and 5. engage members of the community in helping to recommend short and long term energy reduction targets and implementation strategies for the county.

Discussion and debate of various revisions and amendments to the proposed draft plan and resolution thereafter became the focus of planning board meetings under Agenda item 6 up to and including the December 2008 meeting of the board. Motion was then brought and seconded directing that the planning board's Legislative Affairs Committee recommend to the BOR passage of item 2, contained in draft number 3 of the plan, entitled "Renewable Energy Projects Plan".

That motion was defeated 4-1-1.