

Regular Meeting Of the Putnam Town Board

February 10, 2022, 7PM ~ Putnam Town Hall ~ Zoom

7:00 Meeting called to order

Supervisor Darrell Wilson led the Pledge of Allegiance.

Roll Call

Members present:	Supervisor	Darrell Wilson
	Councilman	Christopher Mallon
	Councilman	Larry Shiell
	Councilwoman	Carole Schneider
	Councilman	Charles Bain

Others present: Mary Jane Dedrick (Deputy Clerk, P.O. Box 14), Gary Treadway (Highway Superintendent, Treadway Lane), David Hayes (PVFD President, Resident, 560 Gull Bay Road), Cee McKenzie (BAR Chair, 526 Gull Bay Road)

Present via ZOOM: John Breitenbach (Town Attorney, 23 Father Jogues Place, Ticonderoga, NY 12883) May Drinkwine-Shiell (Resident, 439 County Route 3), Nancy Wolf-Fisher (Resident, 5183 Sagamore Road), Galen Seerup (Planning Board, 17360 State Route 22), Karl Ohly (Resident, 428 County Route 3), Dave Manchester (Resident, 5177 Sagamore Road), one unidentified call in.

A correction to January 2022 minutes, Bob Rudt and Cee McKenzie were recorded as being in attendance, however they were not in attendance.

Resolution # 11

Accept the minutes of the January 13, 2022, Regular Meeting with correction

On motion of Councilman Chris Mallon, seconded by Councilman Charlie Bain; all in favor, Resolution unanimously adopted.

Resolution #12

Accept the Supervisor's report for the month of January 2022

On motion of Councilwoman Carole Schneider, seconded by Councilman Larry Shiell; all in favor, Resolution unanimously adopted.

Resolution # 13

Accept the Town Clerk's report for the month of January 2022

On motion of Councilman Charlie Bain, seconded by Councilman Larry Shiell; all in favor, Resolution unanimously adopted.

Resolution # 14

Accept the Town Justice Report for the month of January 2022

On motion of Councilwoman Carole Schneider, seconded by Councilman Charlie Bain; all in favor, Resolution unanimously adopted.

Resolution #15

Pay bills as audited

On motion of Councilwoman Carole Schneider, seconded by Councilman Larry Shiell; all in favor. Resolution unanimously adopted.

Resolved, the bills on the following will be paid as audited.

General Fund	# 13-46	\$17,027.15
Highway Fund	# 11-20	\$10,091.83

Correspondence

Supervisor Wilson acknowledged an email correspondence from Karl Ohly regarding solar. (See attached)

Courtesy of the floor (7:04)

None

Highway report (7:05)

Highway Superintendent (HS) Gary Treadway reported that the crew made it through the recent storm without any breakdowns or major difficulties. HS Treadway reviewed a list of spring/summer projects anticipated to begin in the coming weeks and months. Hutton Square Road is slated for paving in the summer of 2022, prep work will begin as soon as the weather allows. Ditching and lining ditches at the south end of Gull Bay will be completed. Letters have been sent to residents in the area notifying them of the anticipated work on the ditches in the coming season. Also, in Gull Bay near the boat launch a washout by the corner of the parking lot, by the boat launch hut, will be addressed with the input of Randy Rath (Lake George Association project manager) and the New York State Department of Environmental Conservation. Privacy walls at the park bathrooms are anticipated to be constructed in the 2022 season as well. Councilman Mallon recalled a previous conversation about Hutton Square paving possibly being split up between two years, asking HS Treadway if there had been any further thought on that. HS Treadway indicated he has not received paving pricing for the 2022 season as of this date, but he will make that determination once pricing becomes available. HS Treadway advised the Board that there is approximately \$15,000 (Fifteen Thousand dollars) to rollover from 2021 funding that was not spent.

Planning Board report (7:15)

Planning Board member Galen Seerup gave the Planning Board report. Mr. Seerup reported that the Planning Board had three site plans on the agenda, one applicant didn't show at the meeting. Two residences on Peterson Road were discussed. Tiny homes were discussed also.

Fire Department report (7:17)

Fire Department President Dave Hayes reported that in January the FD had six 911 call outs. Three of the calls were for EMS, one was a motor vehicle accident, and two were structure fires in Ticonderoga. Putnam has a mutual aid agreement with Ticonderoga that was upgraded recently. When there is a structure fire in Ticonderoga, Putnam FD will now wait near scene instead of waiting at the Ticonderoga Fire Station. The O'Leary overhead door company returned and added additional weather stripping on the overhead doors. The FD will be seeking a buyer for the fire truck they'll be replacing in the summer of 2022. The asking price is \$15,000 (Fifteen thousand dollars). At the end of January, the operating budget had \$18,456 (Eighteen thousand four hundred and fifty-six dollars) remaining to carry them to March 1, 2022. The money from the truck sale will be used to buy equipment. Councilwoman Schneider asked about barbeque plans for the summer of 2022. President Hayes indicated that the FD would hold their

annual chicken BBQ fundraiser in the 2022 summer season. Councilman Shiell described the Hague FD's fundraisers throughout the year, with breakfast fund raisers, a steak BBQ, and a chicken BBQ.

Old business (7:25)

Cummings Park Lake access naming was discussed. In recognition of former Councilman Kevin Hart's contribution to the development, and eventual realization, of Cummings Park, Supervisor Wilson made motion to name the water access point *Hart Landing*.

Resolution #16

Name Cummings Park water access point Hart Landing

On motion of Supervisor Wilson, seconded by Councilman Mallon:

Roll Call:

Chris Mallon	Yes
Carole Schneider	Yes
Larry Shiell	Yes
Charlie Bain	Yes
Darrell Wilson	Yes

Resolution unanimously adopted.

HS Treadway will have a sign made and install it when the weather allows. A brief discussion about the placement of the sign took place.

Solar Discussion- Supervisor Wilson recapped the informational workshop held by the Board the prior Wednesday. Councilman Mallon headed the workshop with a worksheet that led the Board through pre-determined topics such as setbacks and usages limits/requirements. The purpose of the workshops is to encourage discussion and ideas, and to exchange information among Board members. Various topics will be addressed and re-addressed as the process moves forward and as reliable information is reviewed and discussed. Councilwoman Schneider provided her research relevant to Solar to the Board for review before the next workshop. The next informational workshop and discussion will take place on Wednesday, March 2, 2022, at 6:30pm at the Town Hall and via ZOOM. Councilman Mallon asked the Board to review the updated draft prior to the workshop. Residents are encouraged to attend and observe the ongoing process over the next several months, however no input from the audience will be permitted at the workshops. A public hearing will be held after the law has been researched, developed and written.

Councilman Shiell asked about the status of removing the boat trailers abandoned at the old landfill. John Breitenbach, the Town Attorney, advised that it is law enforcement who will need to take the lead, and that there is a specific process to follow when disposing of abandoned property. Supervisor Wilson indicated he will contact the Washington County Sheriff's Office for advisement.

Resolution #17 (7:37)

Motion to move to Executive Session to discuss the Budget Officer vacancy

On motion of Supervisor Wilson, seconded by Councilman Chris Mallon; all in favor.

Resolution unanimously adopted.

Executive Session- NO ACTION TAKEN

Resolution #18 (8:15)

Motion to move out of Executive Session and adjourn the Regular Meeting

On motion of Councilman Bain, seconded by Councilman Chris Mallon; all in favor.

Resolution unanimously adopted.

Meeting adjourned at 8:15 pm.

Solar Workshop Wednesday March 2, 2022, at 6:30PM.

Next Regular Meeting of the Putnam Town Board March 10, 2022, at 7pm.

Respectfully submitted,

Darlene Kerr
Putnam Town Clerk

Darrell Wilson _____ Supervisor

Christopher Mallon _____ Councilman

Carole Schneider _____ Councilwoman

Larry Shiell _____ Councilman

Charles Bain Sr. _____ Councilman

From: **Karl Ohly** <karlohly@gmail.com>
Date: Thu, Feb 3, 2022 at 11:39 AM
Subject: Amazing discussion
To: Darrell Wilson <supervisor.wilson@townofputnamny.com>

To Whom It May Concern at the Putnam Town Council;

It was an astonishing experience to witness a town board that was almost completely uninformed about anything solar, blundering around this important issue when there is clear, easily accessible information and model solar energy law available. **For registered Republicans, an amazing number of overreaching, unnecessary big government regulations were drafted. The lack of understanding on the basics of the technology was remarkable. Many of the drafted proposals are simply indefensible.**

While plenty of opinions and irrelevant anecdotes were heard, not a single article, guidance document, or relevant court case was cited.

These readily available materials were apparently never read by even one council member. No data was offered to back up the policy proposals, not a shred of consideration of how each policy would affect cost to the residential solar installer was considered. Your meeting was truly the blind leading the blind experience. New York State specifically instructs local municipalities and towns to seek input from the public BEFORE the law is written. Perhaps especially, when the town board members have no clue about the subject they are writing a law about.

Lets examine some missed points:

An agreement was arrived at by the town council that maximum allowable rooftop residential solar installation was 150% of current use. One person brought up electric cars in passing but, CLEARLY had no idea of how much an electric car consumes. Google search:

"According to the Federal Highway Administration, the average American travels nearly 13,500 vehicle miles per year. At that level of driving, most EVs will require **around 4,000 kWh of electricity per year** to operate.Oct 17, 2019"

In fact, one electric car consumes as much electricity as a typical large household per year making the usage 200% of current use. Not to mention the possibility that a household in the future, heaven forbid, has 2 electric cars, in which case the use would be 300% of current. Your randomly generated 150% limit, gives no thought to those looking to transition from carbon based heat electric based heat such as geothermal, or direct electric radiant heat. The Town of Putnam leaves no chance of putting in extra panels for air conditioning, working from home, or any other changing family need. Your over-reaching law greatly restricts personal property owner rights and makes self-sufficiency and ingenuity impossible or cost-prohibitive in Putnam.

It was OBVIOUS that not a single town board member even hypothetically, as part of researching to write a sensible law, went through the exercise of planning and budgeting for a home solar array. If anyone had made that small effort, they would have come to understand that there is a big difference in solar generation in the winter at this latitude vs the summer, and that generally the panels are fixed to a certain pitch to maximize summer generation and therefore even less efficient for winter. If one is trying to heat with solar or charge vehicles in the winter then a MUCH bigger array is needed to accommodate this need at lower generation potential, especially if the system is to be off grid. The Council failed to discuss or differentiate off-grid systems.

Also important to understand is that one can not simply add a panel or two in the future. The new panel has to have rack space, the panel has to be the same type (watts etc.) as the other panels, and if they are arranged in strings (yes it is expected that a town council "representative"

understand what that is before kludging together an uninformed law) the new panels added are limited in their generation by the reduced generation of the rest of the string. There are of course systems where individual inverters assigned to each panel mitigate this but there are complexities in that type design as well where one can't just add a panel. Most solar installations are installed with winter demand, expanded use for battery banks instead of motor based generators in peak surges and power outages, expanded demand from changeover of household systems. Some of those changes may be planned for 5 or more years in the future and calculated into the size of the solar array at time of installation now. Not doing so might mean that other components such as the inverter, voltage regulators, charge controllers, etc may be undersized when the additional panels are added in the future, and that would then add significantly to resizing the system that would be much more economical to account for now. Putnam Town Council completely ignored the very very basic concept of house/ structure positioning in respect to the parabola of the sun in the sky. If a roof is east-west sloped then there will be a larger number of panels needed because the east side of the house roof gets the sun for only part of the day and likewise the west sloped roof of the house. This matters, and effects solar system sizing in terms of the number of panels that has less to do with current consumption, but in this case the orientation of the structure.

In a similar line of thinking a person may have a house that is on the north side of a geological feature (hill) or group of trees and gets hardly any direct sun. For that person the ONLY option is a ground based system away from the shade the house "lives in". But apparently, contrary to state law and basic property rights such freedoms are prohibited in Putnam.

Putnam's 500' setback for solar power is equally problematic and an infringement on private property owner rights. Not a shred of consideration was given to the cost on the property owner installing a solar array under this randomly generated 500' condition. A conservative estimate of putting down 3" conduit and pulling wire that has to be upsized 8-10X for a 300-500' run is \$50-\$70/ foot. Realistically it might be pushing \$100/foot considering the recent increases in materials and labor costs and would increase the cost of an array by \$100,000 or more for some residents while making independence from electric company monopoly control completely illegal for others on parcels even as large as 50 acres. It's ironic that you make energy independence on private property illegal while you ram a mega-electric monopoly profit line through the private property on County Route 3 and Lake Rd. You are working to take private property from the residents of Putnam and give it to a huge electric generator in Canada AND to prevent Putnam taxpayers from using their own property to generate necessary electricity 500 ft. from any road or property line. Embarrassing. You should be ashamed of your hypocrisy. Naturally, there is clear state guidance on setbacks that was never referenced, just as there is clear case law in NYS saying who can lay utilities in roadway easements.

The town also sees fit to launch a bevy of other regulations that all have a cost to bear on the solar installing property owner, directly countered by NYS guidance. From the jocular and completely uninformed comments from a number of the town council members there is a false impression that home-use installers "get rich" from their arrays. The reality is that most homeowners are doing it because they believe in self-sufficiency, distancing property owners from corporate monopoly control, and investing in a carbon neutral future for the planet. In fact, the quick bit of reading that the Council should have done would have informed you that net generation contracts with power companies don't pay the same per kWh of excess as what is consumed from the grid. My brief research during the meeting indicates that the utilities pay \$.02/kWh for excess generation and then charge the generator to bring that electricity to market which often negates or can even make excess generation cost the home owner with excess generation. It is hardly a "get-rich-quick" scheme considering that a solar install currently BREAKS EVEN with ordinarily generated electric for household needs (without any broken equipment along the way) in 15-20 years. And that is WITH the current tax incentives. Without those, the break even point is 25 years out.

In real numbers: a system that generates enough to offset a \$150/month electric bill (before expanding air conditioning, getting an electric car or two, switching to electric heat, etc etc.) costs approximately \$28,000, 16 years worth of electric bills in one lump sum. As most homeowners in Putnam lack the South orientation, space, or sunlight for roof panels, they will need to have panels on the ground. The 500' setback proposal puts some homeowners completely out of a legal array. Historic homes in Putnam may see that an array is legal only 1,000' or more from the home.

This illegal overreach by Putnam will require step up and step down transformers and use of 3 (.5") aluminum cables per leg, x two legs underground in at least two 3" conduits for a conservative cost of \$120,000 or more. Surely the Town of Putnam understands that violating NYS guidance and backing property owners who want to use solar electricity into a corner with this idiocy is not going to be accepted and will ultimately be very expensive to defend.

You will be sued for your illegal law by one landowner or another. Your lawyers will love you, but taxpayers will eventually see that willful ignorance on the Putnam Town Council is both stealing their private property and costing them in otherwise unnecessary tax increases.

If we look at Mr. Wilson's property for instance, which isn't small, there isn't a spot that is 500' from property line or road. The same can be said for 49/50 properties with a house on it quickly surveyed in this manner. So the Town of Putnam Board members hereby illegally decree that ground based solar in Putnam is regulated out. Period. Why bother with discussing tree planting requirements, let alone the proposed 10' trees, also unreasonable. If any of the town board members had looked at what 500' setback actually entailed then the tree planting requirements and other equally irrelevant concerns would have been unnecessary. Clearly, no town board member has the work-ethic or literacy to do the simple research that most individuals would feel compelled to do before stealing land use rights of thousands of acres from the taxpayers of Putnam.

Given the situation, I doubt that any town council member has made it this far into the email but you should know that NYS guidance calls for a front 30' setback for "Agriculture/ Residential" side setbacks are less. Height requirements and Property size requirements are also clearly laid out. Spoiler alert: town council was not even close. If any of you had read "Model Solar Energy Local Law" pages 160-161 (google it), you would know that 500' setback is WILDLY and indefensibly restrictive and WILL result in expensive legal battles. In fact, in reading pages 155-170 one can have a legitimate starting point for solar law as already laid out for towns by the State of New York.

Given the failure of any town council member to mention New York State Energy Research and Development Authority and the trove of resources and requirements of towns making policies concerning energy development raises concern that Town Council Members did not follow the requirements and guidance as laid out by this governing institution. One small example from the website:

"When beginning solar development in your respective community, municipalities must participate in a State Environmental Quality Review (SEQR) for rooftop and ground-mount solar systems. Throughout this section, we provide readers with an overview on the SEQR process, with step-by-step instructions for large solar projects and the background on SEQR regulations." And then there is a pdf that probably should have been read prior to the meeting.

There are other wonderfully illustrative documents on this website that if read by ANY of the council members would have saved an enormous amount of time wasted in writing proposed law that does not comply with New York laws and guidance. One such document, already mentioned, is aptly called "Model Solar Energy Local Law" which has so many topics that would

have helped prevent the Town Board members embarrassing themselves with outright misinformation quoted during the meeting (such as glare); from the document:

"Solar panels are constructed of dark-colored (usually blue or black) materials and should be covered with anti-reflective coatings. Modern solar panels reflect as little as two percent of incoming sunlight, which is about the same as water and less than soil or wood shingles. For more information, please refer to the US Department of Energy Office of Energy Efficiency and Renewable Energy's Solar PV and Glare Factsheet, available at <https://www.energy.gov/eere/solar/downloads/solar-pv-and-glare-factsheet>."

In terms of regulating the panels because of potential for future lead and other heavy metal contamination is interesting considering the completely hands off approach on orders of magnitude higher soil and water pollution by heavy metals in exterior paints used in all the historic structures including Town Hall, let alone a local shooting range. The amount of pollution from those sources dwarfs the "potential" pollution from a broken solar panel in the future. That aside, a simple decommissioning (within X months) and indoor storage requirement of inactive panels would suffice to prevent water leaching _small_ amounts of heavy metals from damaged panels. Fines for noncompliance would be \$XXX per panel per month. Collections via foreclosure in X months of noncompliance(basically when the cost to decommission the panels has been achieved with the fines). Interestingly, and completely unsurprising, on page 170 of Model Solar Energy Local Law there is boiler plate language for decommissioning.

Solar use on the farm and/or as part of farming was also not discussed. It wasn't mentioned but should probably be clarified that the Town of Putnam solar law will NOT regulate solar installation for use in farming.

Clearly, none of the town council members bothered to talk with farmers who are often knowledgeable in new technologies as may be necessary for their profitability and independent operation. You had significant input at the last solar hearing which you completely ignored. You have had input from Putnam farmers several times to encourage you to read the NYS guidance documents, ask for input, or face legal action yet you continue to ignorantly blunder along.

The Putnam Town Council members are astoundingly eager to steal real property, property value, earnings, and independence from their neighbors. I can't stress enough how ill-informed each and every town council member sounded. I was embarrassed for you. You should take a few minutes and/or be capable of reading state guidance and case law, and of speaking to installation companies that design these systems.

We will continue to defend the rights of all private property owners to be self-sufficient, independent, and free from government overreach. We will continue to defend the Right to Farm in Putnam. Electric tractors are coming, many farmers are building them. Many farm based practices are going to be powered by electricity in the future, not by petrochemicals.

One would think that it would be more rewarding, and less prone to drama and dispute, to be supportive of Putnam's taxpayers and their goals for sustainability and independence.

Aspire to do better.
Dr. Karl Ohly