

Town of Highland
Planning Board Minutes
May 2, 2018

Chairman Berry Hafkin calls the meeting to order.

Pledge to the Flag

Chairman states the minutes are being recorded.

Attendance:	Berry Hafkin-Chairman
	Norm Sutherland (absent)
	Jeffrey Spitz
	Philip Johnson
	Julie Sherwood (absent)
Board Secretary	Monica McGill
Town Attorney	Michael Davidoff

Motion to approve the April 18, 2018 minutes:

Motion: Phil Johnson Second: Jeffrey Spitz

All in favor

Berry: The minutes will have to be amended to say April 18, 2018 and April 23, 2018. On April 23, 2018 the board visited the Millennium Site on State Route 55, Eldred NY.

Present at that meeting:

Berry Hafkin-Chairman

Norm Sutherland

Julie Sherwood

Jeffrey Spitz

Phil Johnson

Representing Barton Loguidice: Lisa Ponse

Dave Preston-Code Enforcement

Various members of Millennium and C.T. Male Associates

Although there was no official business conducted, we are very fortunate that Lisa Ponse took extensive notes. We are going to incorporate her notes, and they will become part of the April 18, 2018 minutes.

With those changes I make a motion to approve the minutes as amended.

Motion: Jeffrey Spitz Second: Phil Johnson

All in favor

Motion to re-open the Public Hearing for Application 1-2018 Millennium Pipeline:

Motion: Phil Johnson Second: Jeffrey Spitz

Berry Hafkin: The Planning Board at the request of the public went to visit the site. We tried to look at all the concerns brought up at the previous meeting. The notes we have are very informative and can

be made available to anyone who wishes them. There was a concern that on the twenty-seven-acre parcel, why the job was so big? The final project will probably be less than ten acres. The current construction giving access to the site will be restored back to its natural landscape.

Mr. Palumbo: Representing Millennium

I would like to add that since the previous meeting, Millennium was able to reach out to the county in reference to the plant species and butterflies. The county is going to supply us with a list. We will also supply the county with a landscaping plan. I will be sending the county a copy of the storm water report that was originally filed with the DEC. We are also trying to clarify whether the state or county is responsible in supplying the entrance permit. We were unable to contact the highway department.

Phil: Did you also supply the height inquiry to the county?

Mr. Palumbo: Yes, we are sending that information as well. I will also set up a tour for the county if need be.

George Ballard: It is my understanding that the questions asked at the previous meeting will be answered at this meeting?

Mr. Palumbo: Yes. I can go down the list.

- Road Signs: Additional signs will be going up, and if the county wants more we will go that direction.
- The number of trucks: There are between (20-25) trucks per day during construction. Sixty percent of those trucks are large construction trucks, leaving forty percent of worker trucks.
- Noise control plan: There are thirty-one homes near the site, and most of those homes are closer to County Route 55. The homes that are closer to the site we had analyzed and don't feel there was any greater impact in terms of noise at the facility.
- Cut & Fill: We had originally said one hundred cubic yards. It is actually seventeen cubic yards going to local quarries, and the board members got to see that a lot of crushing is being done on site. This cuts down the number of trucks having to go to and from the site.
- The 239M Response: I have to spoken to Freda at the county and she is working on getting me additional information.
- Need for a turnaround: We do not believe there is a need for a turn around at the entrance to the site. The vehicle and trucks entering the site can go all the way up the hill and there is room for them to turn around there.
- Pipes above or below the ground: Primarily the pipes are below ground and only come out of the ground to meet with the equipment.
- Leakage: The system is monitored locally and at the main facility outside the area.

Jeff Spitz: Can you go over the safeguards?

Mr. Palumbo: In terms of response?

Jeff Spitz: Yes.

Mr. Palumbo: An actual response plan will be put together for the site. Millennium hosts a community responders informational meeting once per year.

Berry Hafkin: There was a concern about the pollutants in the holding tank. It was asked what they are and where do they go?

Mr. Palumbo: That information can be found in the FERC documents. All the storage is handled under petroleum bulk storage and capital bulk storage guidelines.

George Ballard: Is what is in the tanks available to the public?

Mr. Palumbo: The nature of the chemicals is not.

George Ballard: Is that something you can share with us?

Mr. Palumbo: I don't know that information and am not at liberty to answer.

Berry Hafkin: Do we get to know where it is being disposed?

Mr. Palumbo: We can try to get that information and pass it on to your consultant Steve LeFerve. It would follow all spill procedures defined by the DEC.

George Ballard: I would hope that if there is a spill that the proper tools are on site.

Mr. Palumbo: That will be in the emergency response plan.

George Ballard: I had also inquired about Code Red.

Mr. Palumbo: I do not have an answer yet.

George Ballard: I had also asked about imminent domain.

Mr. Palumbo: Nothing was done through imminent domain, everything was done in a transactional manner with the property owners.

Nancy Esposito: In the event we lose electric, is there a backup generator?

Mr. Palumbo: Yes.

Nancy Esposito: What about the monitoring of the ponds?

Mr. Palumbo: What I said at the previous meeting is still correct, storm water ponds through the DEC are not mandated to be tested.

Steve LeFerve: They do not have to be tested, but during the construction period they do have to be monitored.

Mr. Palumbo: Yes, there are complete inspections on the site. It is designed by the DEC standards and those standards must be proved to them. The design of that program is being met.

Nancy Esposito: Is there any willingness on your part to have them tested to ensure that the ground water is not affected? There are a lot of homes in that area.

Mr. Palumbo: There is a distance between those wells and the site. I am not going to say yes to having them tested. I do not feel there is a reason to do that. I do not believe that Millennium wants to be put on a higher standard than what the DEC requires.

Nancy Esposito: It would be a nice gesture for the town.

Alan Schadt: I have three questions that are all related.

1. When do you expect to start construction of the main building?
2. When will it be done?
3. When will it be available to see online?

Mr. Palumbo: I can get you those dates. The project is already underway. When will it be online? I am thinking more towards the fall. I will try to get the information for you.

George Ballard: When was the lease signed?

Mr. Palumbo: I do not have that information.

George Ballard: The town should be asking about a decommission plan that will make Millennium responsible in the event something happens in the future.

Mr. Palumbo: New questions have arisen since the previous meeting, and I will follow up with the board and Steve LeFerve.

Nancy Esposito: If the waste is being trucked out of the site and the truck has a problem, what is there to protect the town? Does the town need to get more liability insurance?

Steve LeFerve: I was unable to make the meeting on April 23, 2018. On my way here, this evening I decided to try and go see the site and its progress. My concern is that with all the equipment on site there is no real security. There are no signs stating that this is a construction site and no sign saying No trespassing. This is an active construction site and will remain active I believe until September of this year. When will this be taken care of so that not just anyone can access the site?

I believe that some of the questions if not all of them asked here tonight can be found in the Environmental Assessment and some of the other documents submitted to FERC. It is a matter on

whether you would like my firm or C.T. Male, Frank's firm to extract this information and present it to the planning board. The information is there but is not an easy task locating it.

Mr. Palumbo: After the board visited the site, we were hoping that at tonight's meeting we could concentrate on the items we would like to further advance. I feel enough information has been provided, but if you feel additional information is needed we can move forward on it. I was hoping to get the public hearing closed.

Berry Hafkin: You also have to finish up with the county, because it is incomplete.

Mr. Palumbo: Yes, there is more information to provide to the county. I was not expecting a ruling this evening.

Steve LeFerve: I think we should treat this as a site plan approval. What does Millennium need to provide to obtain that?

Mr. Palumbo: We did submit a complete set of plans. Are the plans within the town codes?

Michael Davidoff: Our code is very specific as to what is required for a site plan application. I suggest that Mr. Palumbo and Steve LeFerve get together outside of the meeting and go over everything, then at the next meeting you will be more prepared to move forward. If the answers to a lot of these questions are in the FERC material, maybe you can point out specific pages they can be found.

Berry Hafkin: Do we close the public hearing?

Michael Davidoff: I suggest that it be left open. The public has the right to hear the responses to the questions brought up this evening.

Steve LeFerve: Do you require C.T. Male Associates to provide written responses?

Berry Hafkin: Yes, and they should be made available to the public.

Dave Preston: Code Enforcement: Can I issue the permit for them to drill a well?

Michael Davidoff: Do our rules require that?

Dave Preston: Yes

Phil Johnson: The site plan approval has not been approved, but the project has been approved by FERC.

Dave Preston: I will issue the permit.

Nancy Esposito: Are we entitled to any kind of insurance from day one? Does the town need additional insurance?

Michael Davidoff: It is the responsibility of the applicant to carry liability insurance in the event of a spill. The town is not obligated to carry additional insurance.

Motion to recess the public hearing for Millennium Pipeline until June 6, 2018:

Motion: Phil Johnson Second: Jeff Spitz

New Business

Application 6-2018 Julius Robinson

Motion to make the Town of Highland Planning Board lead agency for SECRA for application #5-2018 John Cambio and application #6-2018 Julius Robinson:

Motion: Phil Johnson Second: Jeff Spitz

SECRA read by Michael Davidoff and completed by the board for application #5-2018 John Cambio and application #6-2018 Julius Robinson.

Michael Davidoff: You can now determine that application #5-2018 and application #6-2018 will not have any significant environmental impact.

Motion: Phil Johnson Second: Jeff Spitz

All in favor

Motion to open the Public Hearing for Application #5-2018 John Cambio

Motion: Phil Johnson Second: Jeff Spitz

All in favor

Board Secretary reads the Public Notice that was submitted to the newspapers.

There were 20 letters mailed to the residents within five hundred feet of the property. Seventeen were delivered, one was still in transit, and two were refused.

John Cambio: Presents his maps. He is looking to subdivide his lot and sell to Julius Robinson.

Michael Davidoff: It will be subject to approval pending the final map.

John Cambio: I should have the final map by May 14, 2018.

Doreen Warner: I am a neighbor and see no negative impact by separating and adjoining the properties.

Motion to close the Public Hearing

Motion: Phil Johnson Second: Jeff Spitz

All in favor

Berry Hafkin: No resolution will be signed until the board receives the final map. We will need at least four copies plus a milar.

John Cambio: I will bring five copies.

Berry Hafkin: First resolution is to approve the subdivision of the two lots for John Cambio pending receipt of the final map.

Motion: Phil Johnson Second Jeff Spitz
All in favor

Second resolution is to approve the merging of properties for Mr. Robinson.

Motion: Phil Johnson Second Jeff Spitz
All in favor

Motion to close the meeting:

Motion: Phil Johnson Second Jeff Spitz
All in favor