

TOWN OF FARMINGTON
DELAWARE RIVER SOLAR, LLC – YELLOW MILLS ROAD SOLAR FACILITY – PRECONSTRUCTION MEETING
 MRB GROUP PROJECT NO. 0610.12001.000 – PHASE 086
 PRECONSTRUCTION MEETING MINUTES

Date: April 21, 2022 **Time:** 3:00 PM **Location:** Farmington Town Hall

Name	Representing	Phone	Cell Phone	E-mail
Dan Delpriore	(T) Farmington, CEO	315-986 8100	315-651-3650	ddelpriore@farmingtonny.org
John Weidenborner	(T) Farmington, Zoning Officer	315-986-8100		Jweidenborner@farmingtonny.org
Augie Gordner	(T) Farmington Fire Marshal	315-986-8100		agordner@farmingtonny.org
Lance Brabant	MRB Group	585-381-9250	585-314 1667	Lance.brabant@mrbgroup.com
Tim Ford	(T) Farmington Highway Super.	315-986-5540	585-729-3654	tford@farmingtonny.org
Ronald Brand	(T) Farmington Director of Development	315-986-8100	585-766-7972	rlbplans@gmail.com
Robin MacDonald	(T) Farmington Water & Sewer Super.	585-924-3158	585-208-2660	rmacdonald@farmingtonny.org
Matt Heilmann	(T) Construction Inspector	585-924-3158	585-732-2579	constructioninspector@farmingtonny.org
Daniel Compitello	Delaware River Solar		347-765-4271	daniel.compitello@delawareriversolar.com
David Matt	Schultz Associates	585-349-3750		dmatt@schultzpc.com
Justin Gaby	EV Solar Construction			jgaby@evsolarusa.com
David Plante	Bergmann Associates		518-588-8270	dplante@bergmannpc.com
Roger & Carol Smith	Land Owners			
Elinore Beitler	Generate Capital		628-246-2880	Elinore.beitler@generatecapital.com

***MEETING MINUTES WERE RECORDED AND TO BE FILED WITH THE TOWN CLERK**

1.0/2.0 PROJECT CONTACTS:

- Property Owner – Roger & Carol Smith
- Developer – Delaware River Solar – Daniel Compitello
- Site Contractor – EV Solar Construction – Justin Gaby
- Environmental Monitor – Bergmann Associates
 - David Plante & Stephanie Parsons
- Design Engineer – Schultz Associates – David Matt
- NY Farmington I, LLC – Delaware River Solar – Daniel Compitello
- NY Farmington II, LLC – Delaware River Solar – Daniel Compitello
- NY Farmington III, LLC – Delaware River Solar – Daniel Compitello
- RG&E – Unknown at this time. Daniel Compitello will follow up with the Town with current contact information.
- **If any of the above referenced contact change, the Town of Farmington is to be notified immediately.**
- Town Contacts
 - Ronald Brand, Director of Planning & Development
 - Dan Delpriore, CEO / MS4 Official
 - August Gordner, CEO/ Fire Marshal
 - John Weidenborner, Zoning Officer
 - Tim Ford, Highway Superintendent
 - Robin MacDonald, Water & Sewer Superintendent
 - Matt Heilmann, Construction Inspector
- Town Engineer – MRB Group
 - Lance Brabant, CPESC
 - Collin Sowinski

3.0 NOTES:

- **NO CONSTRUCTION OR SITE ACTIVITY IS APPROVED AT THIS POINT, UNTIL SUCH TIME A PERMIT IS ISSUED BY THE TOWN.**

4.0 APPROVALS/ AGREEMENTS:

- The Special Use Permit was approved by the Town of Farmington Planning Board at their October 7, 2020 meeting with conditions.
- The Final Subdivision Plat and Final Site Plan approvals were granted at the December 16, 2020 Town of Farmington Planning Board meeting with conditions.

- The Final Subdivision Plat and Final Site Plans have been signed and filed, and a PDF copy has been provided.
- The Operations and Maintenance Plan dated December 2020 V4 was approved per MRB letter dated December 11, 2020.
- The Decommissioning Plan/ Agreement was accepted by the Town Board on August 10, 2021.
- The project SWPPP last revised December 8, 2020 was approved per MRB letter dated December 11, 2020.
- The MS4 SWPPP Acceptance Form was forwarded to the Town in a letter dated December 11, 2020 and signed by MRB and the Town CEO. This is to be inserted into the project SWPPP.
- NYSDEC approval (SWPPP & NOI) – the acknowledgment letter from NYSDEC has been provided (NYR11H875).
- A 5-acre Waiver for disturbance was not requested for this project and therefore at no point during construction can the project exceed 5-acres or more of disturbance collectively. We would suggest that the applicant consider requesting a 5-acre waiver from the Town of Farmington.

Update – A 5-acre waiver was requested for this project by the applicant in an email dated April 27th from Schultz Associates to the Town of Farmington. The waiver was authorized by the Town of Farmington in an email dated April 28, 2022 from the Town CEO.

- Owner and Contractor Certification Forms have been signed and provided to the Town CEO and MRB.
- Contractor NYSDEC Erosion and Sediment Control Training Certification Cards for the identified individuals who will be onsite at all times have been provided to the CEO.
- An updated PDF of the full SWPPP containing all of the above information was provided to the Town and MRB with all required certification forms and cards.
- The September 2020 Soil Sampling and Analysis Plan including baseline soil samples from the site were submitted to the Town of Farmington for review and approval by Staff. Under review.

5.0 SURETY/ PAYMENT APPLICATIONS

PERFORMANCE LOC

- A Letter of Credit in the amount of \$80,000.10 was approved by the Town Board at their June 23, 2021 meeting.
- The LOC in the amount of \$80,000.10 was filed with the Town Clerk on March 4, 2022.

- This is for the construction of the project and will be released back to the applicant upon request or completion of the project. Partial releases are allowed or one lump sum release.
- All LOC release requests are to be sent to Construction Inspector for processing. Once the Town has reviewed and accepted the dollar amount requested to be released, it will be forwarded to MRB for final review and processing.
- All releases are required to go before the Planning Board for recommendation and then the Town Board for authorized release.
- The Planning Board meets the 1st and 3rd Wednesdays of each month.
- Prior to LOC releases, the contractor is to have an onsite meeting with the Town CEO, Construction Inspector, and the Town Highway Superintendent to verify all work has been completed.

MAINTENANCE BOND - DECOMMISSIONING

- The Decommissioning Estimate combined amount of \$417,118.00 was approved by the Town Board on August 10, 2021.
- Farmington I, LLC Decommissioning Bond amount – \$156,956.00
- Farmington II, LLC Decommissioning Bond amount – \$129,121.00
- Farmington III, LLC Decommissioning Bond amount – \$136,041.00
- A Decommissioning Bond was filed in the amount of \$417,118.00 with the Town Clerk on April 8, 2022.
- Decommissioning shall occur if any of the decommissioning conditions or abandonment conditions referenced in the Special Use Permit approval resolution, approved Decommissioning Plan, or Town Code are met.
- The Decommissioning Bond extends for the life of the project 30+ years.
- The Decommissioning Bond Amount shall be re-evaluated every three years to verify that the amount is adequate.
- The Decommissioning surety is to be re-evaluated every three years in compliance with the Town Code and approved Decommissioning Plan. The presumptive amount of the surety applicable to each solar farm shall be determined by the Town Engineer based upon a current estimate of decommissioning, removal and restoration costs as provided in the Decommissioning Plan with the benefit of information contained in the latest reports by Applicants and/or System Operators as detailed in Conditions No. 25 and 34 of the SUP approval. The amount of the surety may be adjusted by the Town Board upon receipt of such a recommendation from the Planning Board based upon an updated cost estimate from the Town Engineer for anticipated expenses to be incurred for decommissioning the solar farm, restoration of the property and follow-up

monitoring as provided in the decommissioning plan. Upon modification action by the Town Board, the surety requirement for the solar farm shall be so revised for the next three-year period as directed by the Town Board, and Applicants and/or System Operators must provide a suitable and sufficient surety in the revised amount within the time required by the Town Board in order to continue to operate under this Special Use Permit. Record evidence of any revised surety is to be filed with the Town Clerk. Such surety, however revised, shall not constitute the total financial responsibility of Applicants and/or System Operators to the Town, and Applicants and/or System Operators remain responsible to compensate the Town for its reimbursable expenses incurred in response to issues involving their lots and solar farms in this Action in the event actual reimbursable expenses, including Town engineering and legal fees, exceed the surety available.

6.0 EASEMENTS/PERMITS:

- No easements to the Town are proposed for this project.
- The 60' wide Cross Access and Utility Easement between 1, 2, & 3 were provided and filed with the County Clerk and the Town Clerk.
- The 60' wide Landscape Maintenance Easement between 1, 2, & 3 were provided and filed with the County Clerk and the Town Clerk.
- Town Permits:
 1. No permit needed for the relocation of the existing cattle fence by owner, as this is an agricultural use.
 2. Driveway Permit – Has been requested for by the applicant with the Highway Department. The highway permit was issued. Potential relocation of the existing road sign to be determined by the Highway Department during inspection of the site.
 3. Grading Permit – Was requested by the applicant with the Buildings & Code Department.
 - Onsite meeting with the Town.
 - This will allow for the installation of perimeter erosion and sediment controls and construction entrance only.
 - Inspection completed by the Town.
 4. Building Permit – Application to be completed and filed with the Town CEO for review.
 - Mass site grading
 - Installation of utilities and site improvements as per the approved plans.

- **CONDITIONS OF APPROVAL/ REQUIREMENTS:**

- **Special Use Permit Approval – October 7, 2020**

Please see the attached approved Resolution.

- **Final Subdivision Plat Approval – December 16, 2020**

1. *Final Plat Approval is based upon the drawing prepared by Schultz Associates, Engineers & Land Surveyors, P.C., identified as Project No. 18.023, Sheet No. 1 of 6, having the latest revision date of 11-06-20 and entitled "Final Plat, Lots #1 through #4, Roger and Carol Smith Subdivision." And is hereby made subject further to the following conditions.*
2. *The drawing box containing the Sheet No. is to be amended to read . . . "Sheet No. 1 of 1."*
3. *The drawing revision box is to be amended to read... "10. 12-16-20 REVISED PER 12-16-20 FINAL SUBDIVISION PLAT APPROVAL CONDITIONS."*
4. *Any required changes to the Final Plat drawing identified above herein, that are requested in the MRB Group, D.P.C., letters dated December 11, 2020, and December 14, 2020, are to be made to the drawing prior to submission for signatures.*
5. *Once these conditions of Final Subdivision Plat Approval have been made to the revised drawing then one copy is to be submitted to the Town's Code Enforcement Officer for his review and acceptance of these conditions being shown. Upon his acceptance, the Applicant is to submit one (1) mylar and two (2) additional paper prints for signing.*
6. *Once the Final Subdivision Plat Mylar and the three (3) paper prints have been signed, then the mylar and two (2) paper prints will be returned to the Applicant's engineer. The one (1) signed paper copy is to remain in the Town Development Office files.*
7. *The Applicant's engineer is to make a total of four (4) paper copies of the signed drawing to be returned to the Town Development Office, and to provide one (1) PDF file of all drawings to the Town Development Office. The Town Code Enforcement Officer shall then distribute one (1) copy to each of the following: the Town Highway and Parks Superintendent; the Town Acting Water and Sewer Superintendent; the Town Construction Inspector; and the Town Engineers, MRB Group, D.P.C.*
8. *The Applicant is given notice that the signed mylar and the two (2) signed paper prints are to be filed with the Ontario County Clerk's Office within 62 days of the date of signing by the Planning Board Chairperson.*

9. *These Conditions of Final Subdivision Plat Approval are valid for a period of 180 days from today and shall expire unless revised Final plat maps have been signed by Town Officials.*

• **Final Site Plan Approval – December 16, 2020**

1. *Approval is based upon the information shown on the set of submitted drawings prepared by Schultz Associates, Engineers & Land Surveyors, P.C., identified as Project No.18.023, sheets 2 through 6, having the latest revision date of 11-06-20.*
2. *Approval is further based upon those drawing sheets being amended to read . . . "Sheet No. 1 of 5 through 5 of 5."*
3. *Approval is further based upon those drawings identified above herein having the revision boxes amended to read as follows . . . "13. 12-16-20 REVISED PER 12-16-20 FINAL SITE PLAN APPROVAL CONDITIONS."*
4. *Approval is further based upon the applicable requirements and conditions contained in the adopted Planning Board Resolution (PB #1006-18, dated October 7, 2020) which grants approval for the Special Use Permit thereby allowing for the operation of the Delaware River Solar Project upon the three (3) parcels of land identified as Lots #1, #2 and #3 of the Roger and Carol Smith Subdivision, and that are to be operated by NY FARMINGTON I, LLC, NY FARMINGTON II, LLC, AND NY FARMINGTON III, LLC ("SYSTEM OPERATORS"), AND COMPLIANCE THEREWITH.*
5. *Approval is further based upon the Applicant's compliance with all applicable conditions contained in the adopted Planning Board Resolution (File PB1004-18, dated November 4, 2020) which grants Preliminary Site Plan Approval for this Project.*

• **SPECIAL CONDITIONS:**

- (Condition # 3 of the SUP) - No Special Use Permit for any of Lots #1, #2, or #3 of the Roger and Carol Smith Subdivision located at 466 Yellow Mills Road, Palmyra, New York, shall take effect unless and until (1) an approved Decommissioning Plan is agreed to and executed by each Applicant, System Operator and the Town for such lot and filed with the Town Clerk; (2) the required approved surety for such lot under this Special Use Permit authorization and the Decommissioning Plan and Agreement is in effect with evidence of such surety's existence and validity on file with the Town Clerk; and (3) a final site plan has been approved by the Board for the proposed solar farm for such lot.
- (Condition # 7 of the SUP) - To ensure that each solar farm is properly monitored to enable full restoration of the lot to its agricultural production potential at the same prime soils classifications and condition presently existing (a fundamental principle and condition on which this Special Use Permit approval is being

granted), a detailed Sampling and Analysis Plan ("SAP") shall be submitted for approval by the Planning Board. The SAP will characterize and document the surface soil quality before construction, during operations and upon decommissioning of the solar panels as necessary to return lots #1, #2, and #3 of the Roger and Carol Smith Subdivision to Class 1-4 soils pastureland once the solar farms have been decommissioned. At the time of construction, and before a Certificate of Compliance is issued by the Code Enforcement Officer, Applicants or System Operator for its lot shall take baseline soil samples in accordance with the sampling procedures detailed in the SAP, which procedures are consistent with Cornell University's soil testing guidelines for measuring contaminant levels in a particular area regarding collection, labeling and packaging of representative soils beneath and around solar panels and solar system equipment according to soil sampling locations specified on the final site plan approved for its lot. Thereafter, Applicants or System Operator shall take samples every 9 years for the duration of the solar farm operations in accordance with the sampling procedures detailed in the SAP. If no "significant" (defined below) deviations are found at the eighteen-year sampling event, Applicants or System Operators may request an amendment from the Planning Board to discontinue the nine-year sampling events until after the solar array has been decommissioned. Upon completion of the Project and once the solar array has been decommissioned, Applicants or System Operator shall take one (1) final round of samples in accordance with the procedures detailed in the SAP. In the event that there is a "significant" (defined below) deviation, individual samples will be taken at the location(s) where the significant deviations are found in accordance with the sampling procedures detailed in the SAP. In addition to submission of the baseline soil sampling as detailed in the SAP, the results of the testing detailed in the SAP will be included with every three-year report required by Condition No. 25.

Because Applicants, Delaware River Solar, LLC and System Operators have represented in their submissions to the Planning Board that the proposed solar farms will employ safe practices for the land, soils and environment and that no significant leaching or contaminants will occur from construction or operation of their solar farms in this Action, there should be no "significant" change to the land or soils on Lots #1, #2, and #3 of the Roger and Carol Smith Subdivision as a result of, and during the term of, the solar farms, and a Special Use Permit is being granted in reliance on that information and expectation. For purposes of this soil sampling program, a "significant" deviation shall consist of (a) a change of fifteen percent or more for evaluations of (i) soil pH; (ii) percent organic material; (iii) cation exchange capacity; (iv) Phosphorus/Phosphate; (v) Potassium/Potash; and (vi) Nitrogen (collectively the "Agricultural Parameters"); or (b) exceeding maximum permitted limits for (i) TAL metals, (ii) Volatile Organic Compounds, and (iii) Semi-Volatile Organic Compounds (collectively the "Environmental Parameters") under then-current

regulations establishing standards for soil contaminants and/or pollutants promulgated by the New York State Department of Conservation, or successor agency in 6 NYCRR § 375, Subpart 375-6, Table 375-6.8(a) for Unrestricted Use Soil Cleanup Objectives. Upon the Town's receipt of a report of a monitored item deviating significantly from its benchmark, Applicants or System Operators shall submit to the Planning Board a scientific summary explaining the reasons for the deviation(s). It is noted that deviations from the baseline sampling event do not necessarily indicate negative impacts from the solar panels, as the soils will regain nutrients from being fallow rather than being farmed annually. If necessary, after receipt of the scientific study, the Planning Board may refer significant deviations of the Environmental Parameters to the New York State Department of Conservation ("NYSDEC") as necessary. Applicants or System Operators are required to comply with all applicable NYSDEC remedial and reporting requirements. See 6 NYCRR Parts 375 and 597.

As a final additional condition for this soil sampling monitoring process, in the event this soil sampling monitoring process detailed herein and in the SAP is invalidated by a court, the Special Use Permit which was approved upon this key soil sampling condition for such lot shall become void, and continued operation of the solar farm on such lot shall be unauthorized unless and until a new special use permit is subsequently obtained for the lot under the law and Town Code as they then stand. As set forth more fully elsewhere, the solar farm equipment for an unauthorized solar farm is subject to removal by the Town under the Town Code, this Special Use Permit authorization and Decommissioning Plan, if not undertaken by Applicants or System Operator upon the Town's demand.

- (Condition # 9 of the SUP) – No topsoil located on Lots #1, #2, or #3 of the Roger and Carol Smith Subdivision at 466 Yellow Mills Road shall be removed from the property during construction, operation or decommissioning of a solar farm located on such a lot.
- (Condition # 11 of the SUP) – As a condition of this Special Use Permit approval, a detailed landscaping plan with plantings acceptable to the property owners and Planning Board with a planting schedule shall be included as part of an approved final site plan. Also, Applicants or System Operators shall install the approved landscaping for the proposed solar farm to the extent feasible with the season prior to the Code Enforcement Officer's issuance of a Certificate of Compliance with final site plan, to provide a visual screen of the solar farm, and Applicants or System Operators shall maintain such approved landscaping for the duration of the solar farm operation. In the event landscape plantings cannot be completed due to seasonal limitations when the solar farm is ready to commence operations, the Code Enforcement Officer is authorized to issue a Conditional Certificate of Compliance for a period up to May 31st of the following calendar year to allow solar farm

operation during such period until the landscape plantings required in the final site plan may be completed at the next earliest planting season.

- (Condition # 19 of the SUP) – As a condition of this Special Use Permit approval, and prior to the commencement of any construction or operation of a proposed solar farm on lots #1, #2, or #3 of the Roger and Carol Smith Subdivision, Applicants and/or System Operators shall provide to the Town a financial plan in an approved Decommissioning Plan containing an irrevocable surety in sufficient amount and acceptable form by a reliable source entity on which the Town alone may draw to cover Town expenses incurred in decommissioning the solar farm and restore the property in the event that the Applicants and/or System Operators are unable or unwilling to do so within the time required. Applicants and/or System Operators shall remain responsible to reimburse the Town for expenses incurred in connection with their lots and solar farms in this Action in the event actual decommissioning and restoration costs and related expenses including Town engineering and legal fees exceed the surety available.
- (Condition # 20 of the SUP) – As a condition of this Special Use Permit approval, and prior to the commencement of any construction or operation of a solar farm, and before the Special Use Permit is valid, the surety approved in the financial plan and Decommissioning Plan shall be provided in fact for each proposed solar farm and a record evidencing such fact shall be filed with the Town Clerk. Such surety shall be maintained by Applicants and/or System Operators and shall continue to be kept valid for the entire existence and duration of the solar farm operation, expected to last for thirty years, together with the time involved in any extensions, decommissioning the solar farm, restoration work to reclaim the underlying land for agricultural use again, and post-decommission monitoring, unless the property owners obtain appropriate approval from the Planning Board to use their property for a different permitted use (and then to restore the property to condition for that next approved use).
- (Condition # 22 of the SUP) – As a condition of this Special Use Permit approval, Applicants and/or System Operators must employ a qualified environmental monitor (EM) to oversee the construction of each solar farm, as well as restoration and follow-up monitoring in agricultural fields. The EM is to be on site whenever construction or restoration work is occurring on a solar farm and must coordinate an appropriate schedule for inspections with the Ontario County Soil and Water Conservation District and/or the New York State Department of Agriculture and Markets to protect the affected lands to the greatest extent possible.
- (Condition # 23 of the SUP) – As a condition of this Special Use Permit approval, after the construction of a proposed solar farm, and prior to the issuance of a Certificate of Compliance from the Code Enforcement Officer, the Applicants or System Operators shall provide the Town a post construction certification

from a professional engineer registered in New York State which attests to the solar farm's compliance with all applicable codes, safe industry practices, and the list of solar system materials and equipment that Applicants and/or System Operators identified to the Town when obtaining final site plan approval to be used in construction of the solar farm; and further, attests that the solar farm has been constructed according to the design standards approved by the Town in the final site plan.

- (Condition # 31 of the SUP) – As a condition of this Special Use Permit approval, any diseased, damaged or failing plantings required for the solar farm discovered by the Applicants, System Operator or Code Enforcement Officer shall be replaced, in kind, within two months of discovery if found during the planting season between May 1 and November 1 of such year, otherwise not later than May 31st of the following year.

9.0 PROJECT SCHEDULE

- Preconstruction Meeting – April 21, 2022 with the Town of Farmington
- Review and approval of permits:

Town Permits:

1. No permit needed for the relocation of the existing cattle fence by owner, as this is an agricultural use.
 2. Driveway Permit – Has been requested for by the applicant with the Highway Department. The highway permit was issued. Potential relocation of the existing road sign to be determined by the Highway Department during inspection of the site.
 3. Grading Permit – Was requested by the applicant with the Buildings & Code Department.
 - Onsite meeting with the Town.
 - This will allow for the installation of perimeter erosion and sediment controls and construction entrance only.
 - Inspection completed by the Town.
 4. Building Permit – Application to be completed and filed with the Town CEO for review.
 - Mass site grading
 - Installation of utilities and site improvements as per the approved plans.
- Onsite meetings (project process meeting) to occur with the Town of Farmington once a month. The date and time to be set by the Town of Farmington at the onsite meeting with contractor.

- The applicant and contractor will be requested to attend the Town of Farmington PRC meeting once a month to discuss the status of the project.
- Contractor working hours to be between 7:00 AM – 7:00 PM (Weekdays) and 7:00 AM – 6:00 PM on Saturdays.
- No work permitted on Sundays or Federal Holidays (New Year's Day, Birthday of Martin Luther King Jr., Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Thanksgiving Day, and Christmas Day).
- Anticipated starting date: May 2022
- All monuments are to be provided and identified in the field.

10.0 UTILITIES/STAKE OUT

- UFPO stakeouts are the responsibility of the contractor. Please call a minimum of 48 hours in advance for stakeout.
- If any changes are required, they are to be coordinated with the Town of Farmington (CEO and Construction Inspector).
- Contractor to confirm location of service connections with utility providers prior to the start of construction.
- All correspondences with the utility companies are to be forwarded to the Town of Farmington CEO and Construction Inspector.

11.0 CHANGE ORDERS

- All site modifications and/or changes to be in the form of a change order.
- All change orders are to be formally requested (letter and/or email) supported with a plan to the Building & Codes Department.
- The Change Order will be reviewed by Town Staff.
- Approval of the Change Order by the Town of Farmington is required before work being completed.

12.0 ENVIRONMENTAL MONITOR DESIGNATION

- Bergmann Associates has been designated the Environmental Monitor (EM) for the Yellow Mills project in Farmington.
- David Plante, AICP CEP and Stephanie Parsons are the identified designated EMs for the project.
- If there is to be a change, then the Town of Farmington is to be notified.

13.0 Environmental Monitor & Inspection Duties

- The EM will be on-site to oversee construction, restoration and follow-up monitoring while construction and restoration work is occurring on the Class 1 through 4 soils.
- The EM will coordinate with the New York State Department of Agriculture and Markets and Town of Farmington CEO to develop an appropriate schedule for inspections.
- The EM will contact the New York State Department of Agriculture and Markets and Town of Farmington CEO, if farm resource concerns, management matters pertinent to the agricultural operation, and site-specific implementation concerns materialize.
- The EM will review construction activities to ensure the following requirements are being met:
 - Maintenance and protection of existing agricultural practices.
 - Maintaining natural drainage patterns.
 - Vehicle and equipment traffic and parking are limited to the access road, designated work areas, and laydown areas. The EM will review requests for construction equipment outside the work area.
 - Topsoil stripping during installation of electrical conduits and other earth disturbance activities.
 - Topsoil stripped from disturbed and work areas is separated from other excavated material.
 - Buried electrical conduits are at a minimum depth of cover of 48 inches.
 - Remove all excess subsoil and rock and coordinate with land-owner for approval of on-site disposal.
 - Temporary measures are installed to protect livestock during construction.
 - Concrete trucks are washed outside of active agricultural areas.
 - Decompaction and restoration per New York State Department of Agriculture and Markets requirements.
- The EM will complete the "Agricultural Soils Inspection Report" form completed and previously submitted to the Town of Farmington at the conclusion of each inspection. The EM will review the report and any issues identified with the Town's Code Enforcement Officer ("Town EM").

- The EM will coordinate any soil compaction testing and/or plasticity testing (i.e. Atterberg limits) with the Bergmann professional geologist to ensure compliance with applicable portions of Farmington Town Code and/or NYSDAM requirements, where applicable.
- The EM will review construction of access roads post-construction to ensure they have been regraded to allow for farm-equipment crossings and that original (or Town approved) road drainage patterns have been restored.
- The EM will be on-site in the event the solar arrays are decommissioned to ensure the site is restored per the approved decommission agreement and NYSDAM requirements. The EM will ensure that the construction activities completed during decommissioning are done to the agricultural-monitoring and reporting standards listed above.
- Bergmann will develop a site-specific Health & Safety Inspection Checklist. This will be developed per all applicable OSHA and other job safety regulations.
- All site inspections will be done by the EM and will be done on a weekly basis.
- After each inspection, a report will be prepared to detail the findings of the health & safety inspection. Included will be a copy of the site inspection checklist and photo documentation.
- The inspections being performed are a snapshot of the project at the moment of the health & safety inspection. Bergmann is not liable for any accidents and/or health and safety violations of the contractor during the life of the project. The inspection reports do not warrant or guarantee safety on the job site.
- The health & safety inspection report (refer to the Decommissioning Plan attached blank inspection form) will be prepared and distributed to the project team where applicable, which will include, but is not limited to, the following stakeholders:
 - Delaware River Solar
 - Project Construction Contractor
 - Bergmann Associates
 - Town of Farmington CEO
 - MRB Group

12.0 EROSION CONTROL/ SWPPP

- Contractor is to adhere to the plans & SWPPP for erosion control measures. The **Town Construction Inspector** and **Town CEO are to be notified/ contacted if any deviation from the plans & SWPPP is required.**
- General Site contractor is responsible for installation of the erosion & sediment control measures as well as **maintaining and removing** measures when appropriate as outlined on the approved plans and associated sequencing.

- All temporary erosion and sediment control measures (i.e. silt fencing) are to remain installed until site is fully stabilized and inspected by the Town CEO.
- The approved project SWPPP is to be located onsite in a marked mailbox. This is to be accessible at all times.
- Bergman Associates (Eric Redding, P.E.) will be performing the SWPPP inspections as required under the GP-0-20-001 and the Town of Farmington (MS4).
- SWPPP inspections will be completed once per week (7-days) for as long as the project remains under 5 acres of disturbance.
- Once the project exceeds 5-acres of disturbance (5-acre waiver received) then SWPPP inspections are to be conducted twice a week.
- All SWPPP inspections reports are to be placed onto the Town Stormwater Site Observation Report and submitted as detailed below.
- Inspection frequency can only be reduced if it's in accordance with the MS4 and General Permit requirements and a written request is received by the Town CEO and authorization/ approval is provided by the Town CEO.
- Inspection reports are to be submitted to the Dan Delpriore, CEO; Matt Heilmann, Construction Inspector; Tim Ford, Highway Superintendent, Collin Sowinski, MRB Group, and John Weidenborner, Zoning Officer. A copy is also to be kept onsite within the project SWPPP.
- Please note that failure to comply with the recommendations within the SWPPP inspection reports, approved plans, and/or MS4 & General Permit requirements, will result in the Town completing a SWPPP inspection and a Notice of Non-Compliance Letter and/or a Violation Letter being issued.
- Dust control shall be monitored and maintained throughout construction.
- The stabilized construction entrance and staging area are to be maintained at all times.

12.0 SAFETY

- Construction site safety is the sole responsibility of the contractor.
- Operate under OSHA Requirements.

13.0 PROJECT OBSERVATION

- Three (3) day notice prior to installation or construction observation request. All requests shall be made to the Building & Codes Department.
- Onsite Town representative will be provided by the Town of Farmington upon request.

14.0 TESTING/CERTIFICATION

- Three (3) day notice prior to testing. Town of Farmington to witness all testing.

- Entrance Road compaction testing to be completed as per the Town of Farmington Site Design and Development Criteria manual (Section 4.10).
- All test results are to be put into a binder and provided to the Town CEO, Highway Superintendent, and Construction Inspector.
- 3rd party inspections to be completed for electrical work and forwarded to the Town CEO.

15.0 CLEANUP

- The site, perimeter areas, and roadways to be kept clean of debris and sediment at all times.

16.0 CLOSEOUT

- Prior to starting operations and issuance of a Certificate of Compliance the following will be required to be completed:
 - Final Walk-through: Prior the final release of the LOC, a final walk-through of the project with the contractor is to be performed with the Town of Farmington to ensure compliance with the approved plans, O&M Plan, and SUP approvals.
 - Removal of temporary Erosion and sediment control measures.
 - Before a Certificate of Compliance is issued by the Code Enforcement Officer, Applicants or System Operator shall take baseline soil samples in accordance with the sampling procedures detailed in the SAP.
 - Installation of all landscaping as per the approved plans.
 - The driveway entrance is paved within the R.O.W. as required by the Town of Farmington.
 - A Final Instrument Survey of the property and elevations is provided to the Town for review and approval.
 - A Notice of Termination (NOT) is received by the Town Building & Codes Department for review and approval.

17.0 DEDICATION REQUIREMENTS

- No items are proposed for dedication.

18.0 MISC

- As a condition of this Special Use Permit approval, any diseased, damaged or failing plantings required for the solar farm discovered by the Applicants, System Operator or Code Enforcement Officer shall be replaced, in kind, within two months of discovery if found during the planting season between May 1 and November 1 of such year, otherwise not later than May 31st of the following year.

- No contractor's trailer, or vehicles, are to remain within the travel lane of a highway during construction.
- No building materials are to be stored on either a site under construction or an adjacent vacant site that would result in the materials being placed too close to a travel lane.

These minutes have been accepted as an accurate summary of our discussion and are now entered into the permanent record of the project.

Respectfully submitted,



Lance S. Brabant, CPESC
Director of Planning & Environmental Services

MRB Group

May 5, 2022
Date



Dan Delpriore, CEO
Code Enforcement Officer

Town of Farmington

May 6, 2022
Date