

TOWN OF FORESTBURGH
TOWN BOARD RESOLUTION

AUTHORIZING AND APPROVING THE DECOMMISSIONING
AGREEMENT BY AND AMONG THE TOWN OF FORESTBURGH,
NY FORESTBURGH I, LLC AND 2380 STATE ROUTE 42, LLC;
APPROVING THE FORM OF FINANCIAL SECURITY; AND
AUTHORIZING THE SUPERVISOR TO EXECUTE AND DELIVER
THE DECOMMISSIONING AGREEMENT

WHEREAS, by resolution dated March 26, 2024 (“PB Resolution”), the Town of Forestburgh Planning Board approved the Application, dated November 10, 2023 of NY Forestburgh I, LLC (“NYFI”) for a Special Use Permit and approval of a site plan prepared by P.W. Grosser Consulting, Inc., dated November 8, 2023 (last revised on January 5, 2024) (“Site Plan”) and authorized issuance of a Special Use Permit for a proposed large-scale ground mounted solar energy system (“Solar Energy System”) on a 59.53-acre parcel of land located at 2380 State Route 42 in the Town of Forestburgh (“Town”), in accordance with the layout, design, specifications and notes shown on the Site Plan, subject to all applicable laws and conditions; and

WHEREAS, a condition included in the PB Resolution was as follows:

“5. Decommissioning Agreement. Prior to issuance of a building permit the owner of the solar energy system shall enter into a Decommissioning Agreement with the Town consistent with Town Code §138-14(F) and post financial security as required under Town Code §138-14(H). Non-compliance with the Decommissioning Plan or failure to maintain the required security shall be a violation of the special use permit.”; and

WHEREAS, NYFI has provided the Town with a draft of the Decommissioning Agreement, the form of which has been reviewed and approved by the Town Attorney; and

WHEREAS, NYFI has provided the Town with a proposed form of Bond (“Bond”) to be posted as financial security for performance of the Solar Energy System’s owners obligations under the Decommissioning Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board approves the Decommissioning Agreement; and, be it further

RESOLVED, that the Town Board approves the form of financial security; and, be it further

RESOLVED, that any changes in the form of the Bond shall be subject to the written approval of the Supervisor and Town Attorney; and, be it further

RESOLVED, that the Town Board authorizes the Supervisor to execute the Decommissioning Agreement.

Voting Results

Motion to Approve: Board Member : _____
Second by: Board Member : _____
Roll Call Vote:

Daniel S. Hogue, Jr., Supervisor _____
Karen Ellsweig, Councilperson _____
Steve Budofsky, Councilperson _____
Susan Parks-Landis, Councilperson _____
Vincent C. Galligan, Jr., Councilperson _____

Adopted by Resolution on the _____ day of _____, 2024.
By Order of the Forestburgh Town Board
