

Town of Rutland

Town Board Special Meeting

May 13, 2025

Call to Order-

Proceedings of a Town Board Meeting held at the Rutland Municipal Office on May 13, 2025. The meeting was called to order at 6:00 p.m. by Supervisor Logan Eddy who led the room in the Pledge of Allegiance.

Council Present- Supervisor Logan Eddy
Town Council Member- Gary Eddy
Town Council Member- Lester Berghorn
Town Council Member- Jennifer Bossuot

Absent – Town Council Member-Kenneth Gleason III

Town Board: Audit & Solar Law

Meeting Purpose

- The adjourned meeting was reconvened to address two main items: (1) preparing an initial response to a draft audit from the NY State Comptroller, and (2) reviewing/authorizing a response to Young Sommer Solar's letter seeking clarification and waivers related to the town's local solar laws.

Response to State Comptroller Audit

- The audit response is due within 30 days of receipt (end of May or early June); a separate, statutorily needed corrective action plan (CAP) will follow the final audit is released.
- The draft audit is confidential until completed; guidance from the Comptroller's office is inconsistent, but open meeting law does not allow executive session for audit discussions unless a personnel matter exists.
- Board members debated whether to draft and circulate a response, given confidentiality concerns. Consensus: Supervisor will draft a factual response, circulate individually for feedback, and send it on behalf of the board.

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- Board members did not note any significant errors in the draft audit but agreed to identify minor corrections.

Young Sommer Solar Letter – Local Law Interpretations & Waiver Requests

- The board reviewed the solar developer's (Honey Ridge) requests for clarification/waivers on several town code provisions:
 - Pollinator Habitat as Agricultural Use: Board consensus was that pollinator habitats do not qualify as agricultural use for the 10% prime farmland conversion cap.
 - Lot Coverage Calculation: Board did not agree with excluding green space/rows between panels from lot coverage calculation; these areas are considered part of the project.
 - Internal Access Roads: Board comfortable with industry-standard access road widths as these are private and do not affect town-maintained roads.
 - Frontage Requirement (Subdivision): Board agreed access via private road suffices for suitable access to substation parcels.
 - Screening Requirements: Board maintained screening must be completed prior to or shortly after construction, citing town concerns over visibility and effectiveness.
 - Financial Surety (Decommissioning): Board rejected the waiver request, emphasizing taxpayer protection via higher surety requirements, despite developer concerns over ORES standards and project feasibility.
- The board noted the developer did not seek waivers on setbacks and full screening, reflecting earlier board feedback.
- Supervisor to complete and circulate the response letter with bullet points and a supporting resolution for board approval.

PUBLIC COMMENTS:

- (Joe Lawler) raised two main concerns:
 - Board meeting time changes/postings are not effective for non-digital residents; improvements to town website transparency are needed.

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- Recent public hearing process restricted debate beyond what Robert's Rules allow, calling procedural validity into question; submitted comments for the record.
- The board acknowledged website issues and explained legal posting requirements/meeting times.
- **Please see the attached letter from Joseph Lawler**

NEW BUISNESS:

- Supervisor to draft confidential audit response and circulate to board members for private feedback prior to submission.
- Supervisor to incorporate board positions into final letter to Young Sommer; circulate for final review before sending.
- Board to pass a resolution formally authorizing the supervisor to send the solar law interpretation/waiver response.
- Investigate options and best practices for upgrading the town website for better public access and communication.
- Review public meeting procedures to ensure compliance with open debate standards and proper record keeping.
- The meeting focused on process and compliance: timely audit response within confidentiality constraints and clearly defined board positions on solar law application/waivers.
- The board largely maintained strict application of its solar law, with limited flexibility for internal road and access issues, while prioritizing screening, setbacks, and decommissioning safeguards.
- Public participation highlighted the need for better communication and procedural clarity; the board agreed improvements are necessary.

Motion made by Logan Eddy and seconded by Gary Eddy to adjourn meeting at 7:23 pm vote went as follows: Ayes:4 Naves:0

Samantha Sawyer
Town Clerk

Joseph C. Lawler

Town of Rutland Town Board
 CC:Town of Rutland Planning Board

Council Members,

I would like to formally voice a series of important events that are errors been made by your actions, rulings, and lack of conformity with State of NY and possibly federal law. I believe at this time these errors were made from ignorance of the law and not from malice. However, if these actions are not corrected, I will be forced to hand the list over to the correct authorities in the New York State government. The Comptroller, State Attorneys General, Authorities Budget Office, Office of the New York State Comptroller, Department of State Division of Local Government Services, will all be made aware of your actions. Please understand these offices have in the past done a very comprehensive and involved look at other local governments. They will look at every ton of stone and every gallon of fuel and ask for an accounting.

The first series of questions would involve the new action to reclassify roads in the Town of Rutland to a "Limited Maintenance Road" Status. Since there is at present no written separation of classification for road status in your zoning law, who or what will determine how these roads are chosen? Does the Road Supervisor have a catalog map that is publicly available of roads that are now Seasonal Roads that need to be converted? Have studies been done to prove the need exist? Is there a standard? Will it be determined on who lives on a road? Is the New York State Department of Transportation Highway Design Manual to be used? If these questions are not answered, prior to enacting a law governing the classification, any road in the town could be converted. At this moment no seasonal roads exist as they are not properly listed on the Consolidated Local Street and Highway Improvement Program report. They are not marked in accordance to NYSDOT. The New York State DOT has regulations governing signage for seasonal maintenance roads, ensuring proper notification and safety for drivers. These regulations typically fall under Title 17 NYCRR Part 150, which outlines signage requirements for highways and roads. In fact funds that were allocated for decades to improve these roads by the CHIPS fund have been redirected to other projects. Now that people are asking to build these roads, the Town of Rutland has engaged in back-room politics to delay the problem created by years of mismanagement. How are you denying building permits that are on roads that are not classified as Seasonal or otherwise? You are in violation of your own zoning law,

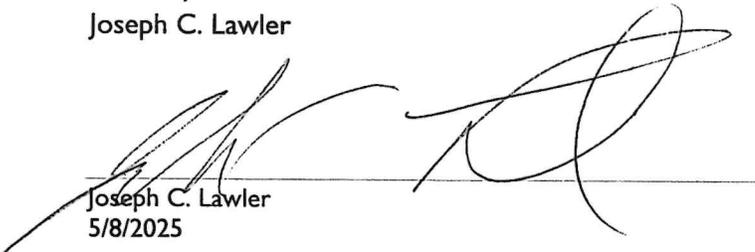
The moratorium on subdivisions in the Township of Rutland is an illegal law. The public forum was conducted in a way designed to restrict the public from voicing their opinion. Questions were limited to one question and if not

fully answered no follow-up questions were allowed. No support for the law given by any member of the community, only decent. No proof was presented by the board other than hearsay that it was a necessary act to "protect taxpayers". While dealing with the people at a public hearing is time consuming it is part of how our collective government rules work. The direct use of constraints on free speech to quell decent is a direct violation of basic Constitutional rights. It also violates the intent of a public hearing and in court would nullify the law. Furthermore, this law is directly implemented to stop Amish families from building dwellings on roads that by now should have been up to a much higher specification as they are again listed on the CHIPS report and have been for many years. The Town of Rutland now has claimed that the cost of opening these roads would each cost in the "millions of dollars". There was or to my knowledge has never been any factual proof to back up these figures. The Town of Rutland has also claimed that their council has informed them the moratorium law is necessary to protect the town from lawsuits and liability. The Town has not produced to my knowledge any written opinion or correspondence from the attorney and if it is not placed in writing it is idle talk and not actual council. Therefore, the only logical conclusion would be to change the law so as to appear not to be conducting Spot Zoning and discrimination against a particular group of individuals. If that is not the case it must be for an undisclosed political or financial gain for the Town. Either way this discriminatory action that has not been conducted in the past when present landowners on "dirt roads" in the town have built structures. These actions are moral and ethical wrongs that must be corrected. Each council member is accountable for their actions, as the your lawyer provides opinions rather than directives. Government and its agents are still subject to the law regardless of their knowledge of the law itself. Ignorance is not a defense nor is 'I was told to do so by a lawyer'.

The denial of subdivisions or any other governmental action that is discussed by two or more members of a government board, outside of a recorded session with published minutes, is not legal. This is especially true when these "clandestine meetings" or "shadow meetings" take place when the partitioner of the government (such as in the case with zoning permits) is not in attendance. Planning board minutes must be posted online, they are not. This is a brief, and far from complete, list of situations that need to be rectified immediately.

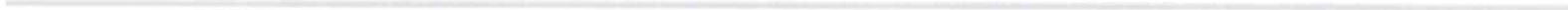
Failure to allow citizens to sell their land or do as they wish with their land what they want to in a safe and productive ways, was one of the key reasons the King's government was removed and the government of the United States originally formed. Through our history the government has needed to be reminded that it works for its people not against its people. That is the purpose of this correspondence.

Sincerely,
Joseph C. Lawler



Joseph C. Lawler
5/8/2025

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