

THE LANDIS SEWERAGE AUTHORITY
CLOSED MEETING
June 19, 2023

The closed meeting of the Landis Sewerage Authority was called to order by Chairman Joseph J. Reuben at 6:03 p.m.

The closed meeting was called in accordance with Resolution NO. 2023-50.

The following members were present at roll call: Barse, Miranda, Headley, Angelo and Reuben were present.

Also present:	Stephen D. Barse	Solicitor
	Anthony K. Tobolski	Executive Director
	Thomas J. Post	Business Manager
	Carol A. Ricci	Executive Assistant

The purpose of this meeting is to discuss a proposed contract with CS Energy.

Solicitor Barse stated that he has a lot of red ink on this contract. There are a lot of changes that would have to be made if we decided to go forward to protect the Authority's interests because in one respect its as if they are renting land from a private land owner as opposed to a public entity and certainly with respect to real estate tax obligations and things of that nature. One of those changes would be that if there are any real estate taxes, they have us paying and it should be the opposite. The bigger issue is that when Anthony and I talked about it, he has some concerns logistically from a private standpoint, whether its practical or feasible or even advisable to do it because of PFAS< the use of the beds there, the accessibility of the beds because the solar panels would be built over then and our tractors are going to have to pass underneath the panels. When you combine the tractor with the plough it has a 45-foot length and with the turning radius it would likely hit the stanchion supports for the panels.

Anthony stated that we haven't seen any design from them. They want to rezone land variances and I'm concerned that it would hurt our DEP permit to put final effluent on those beds. Yari asked if we're spreading on this area and Anthony stated that it is our final effluent, the water. In section 11 they have alteration and construction rights. The way this is written, they have the right to do anything they need to do. The berms are built specifically to hold water and the beds are sand to dispose of the water. If they tamper with the berm, it can hurt our permit. Also, a bed has a roadway on all sides. The roadway is where our pipes that feed the beds are situated. If you put your supports in the roadway and we have to dig up the pipes, there would be a problem. The field is the space the DEP has already permitted us to use so you're taking away space and you're taking a chance of hitting the supports. We don't want anything in the beds or roads and I don't see

where this feasible and also, we already have solar panels out here. They are averaging \$1,125 an acre for the forty acres they occupy and this is 80 acres that they want and every bed that we have and use daily.

The other solar panel projects are in beds we don't use anymore. They're fenced in and they don't bother us one bit. They want to give us \$650 an acre compared to \$1,125 an acre and its ten times the aggravation for us. I really don't like this and before we would even consider signing this, I want to see the plans. If I don't see the plans, I don't know what they really plan to do. They want to put the cart in front of the horse. In addition to solar panels, they have batteries which is their niche. They store all of the energy they collect in batteries and they can release it later. Where do the batteries go and that's more land that we have to give up.

Stephen stated that they are extending their plans beyond our tree line, they go over our easement with our trunk line and where we were going to put the union locker room. We had a DEP inspection today and I talked to the inspector while he was here, he would have to look at it and decide whether we had to re-permit. We're not going through the process of hiring lawyers and specialists to re-permit. As far as I'm concerned, we're a sewer treatment plant, not a solar field and I'd like to keep it that way.

Perry stated that the money end of this deal just doesn't work. Yari asked about additional insurance that would be needed by the Authority and Perry stated that they would cover all insurance issues. Stephen stated that they haven't gotten back to us with any responses and they've been pretty hot pushing this and Anthony said let's settle down, we have to talk about this.

Ryan stated that they've been shopping around for different sites and they contacted Ellwyn. The battery storage thing is their specialty. The vibe was they want to come in and make their money. Stephen stated that we approved a letter of intent a couple of months ago and has the framework for what they wanted to do. Most importantly it was who the tenant was going to be which is CS Energy and the lease showed up with someone I never heard of and they're trying to create a subsidiary and they didn't even contact us and tell us that this is what they are building. We're going to have this other entity there so give us a lease. There are many things to make you take pause.

Yari asked what was the next step and Stephen stated that it would be that we reviewed it and say the contract was unacceptable. I want to look at the letter of intent and check that we can walk away from it. I just want to check the wording.

Page #3
Closed Meeting
June 19, 2023

At 7:03 p.m. it was moved by Barse and seconded by Miranda that the regular meeting of the Landis Sewerage Authority be re-opened to the public. Roll call: Barse, Miranda, Angelo and Reuben voted "yes".

LANDIS SEWERAGE AUTHORITY

RYAN R. HEADLEY. Secretary