

GENERAL SERVICES COMMITTEE
March 17, 2020

Present: Legislators Jerry King, Ian Gilbert, Richard Chartrand, and Ron Burns. Legislator Moroughan was present via conference call.

Others: Legislators Larry Dolhof, Greg Kulzer, Phil Hathway, Randy LaChausse, and Tom Osborne; County Manager Ryan Piche; Treasurer Eric Virkler; County Attorney Joan McNichol; Human Resources Director Caitlyn Smith.

Committee Chairman Legislator King called the meeting at 1:03 p.m.

Legislator Burns made a motion to approve the 2/18/2020 committee meeting minutes, seconded by Legislator Chartrand and carried.

Solar on Agricultural Land – Casandra Buell, Lewis County Planner (attached)

The 2019 Green New Deal mandated 100% clean power by 2040 and enacts new law to develop a plan to make New York carbon neutral; invested \$1.5 billion in 20 large-scale Renewable Energy projects in update NY; and will deploy 3,000 MW of energy storage by 2030.

The 2020 Budget Bill being proposed for solar development on agricultural land is open for public comment until May 3rd. Renewable projects will no longer be part of the Article 10 process and will now fall under “Office of Green Energy Siting”. The process will now only take a year or less, which is an improvement. The issue is that this new Office may choose not apply any local laws or ordinances which would otherwise be applicable. Property owners and communities would receive PILOTs to host major renewable energy facilities.

NYSERDA would identify “build ready sites” and PSC would make sure, to the extent possible, that there are only minimal impacts on both farming operations and the environment. Renewable Energy Systems that are between 10 MW and 25 MW can choose to be part of this new siting process instead of the Article 10 process. NYSERDA will have a published rate for assessed values of these projects in Section 487 of the Real Property Tax Law to use if there isn’t one already in the PILOT.

The impact on Lewis County would be that there would be less input on projects over 10MW, the IDA would work with NYSERDA on all PILOT agreements, non-governmental third-party groups will not get intervenor funding, current projects that are already in Article 10 can now opt into this new siting process, and the Public Service Commission (PSC) would have added criteria to minimize impact on farmland.

Current Lewis County Solar Projects that are being reviewed are: Maple Tap Solar project in Town of Martinsburg; Flat Rock Solar project – Town of Martinsburg; East Road Solar project – Town of Denmark; and Duke Energy Solar project – Town of Leyden. Geronimo Energy – Town of New Bremen is already in the Article 10 process but is a 100MW facility plan.

Agricultural land use concerns are that farmland is being rented out to solar developers who are willing to pay more, which means this land is no longer available to be rented by local farmers.

Prime agriculture land could be out of use for 40+ years depending on the solar lease agreement. Every 100 acres of prime farm land removed from farm use could result in a \$500,000 (generated from milk sales) loss to the local economy.

PILOT agreements could be a way to limit solar development on prime farmlands and subprime farmlands by stating that only up to 20% of prime farmlands and up to 50% of subprime lands can be used on any given lot/parcel. The main goal is to provide a balanced approach to encourage/incentivize solar projects but use the least productive portions of land as possible. The fear is that our local landscape, which is largely agricultural, could be covered in solar panels and that current lands that are rented to area farmers for hay and corn would now be leased to a solar developer hurting the agricultural industry.

Legislator Kulzer felt that many of the smaller local farms have already gone out of business so these larger farms that have been leasing the land should offer to buy it. In response to Legislator Chartrand, Casandra Buell responded that this would not limit any landowner's rights, it is just a recommendation to the IDA for PILOT agreements. Any solar project that is 5MW or less would not follow the new guidelines.

Legislator Kulzer questioned how these lands are being determined as prime and subprime agriculture lands? The determination is based on soil samples. Some farmers/landowners depend on this supplemental income. Legislator King questioned if local area landowners were being educated on solar development, which Casandra responded that they have had meetings/presentations. She then clarified that the goal is to protect our agricultural society and our farmland, not take a stand against renewable energy. It is trying to do the best for both entities.

The following dockets were reviewed:

1. Resolution setting a public enforcement hearing under Local Law No. 10-2019, the Junkyard Law, on May 5, 2020 at 5:00 p.m., and **ORDERS** that Derek J. Farr, ("the Owner") of said property appear and Show Cause before this Board why it should not Order said Owner to immediately remove all unlicensed vehicles, other metals and various debris causing violation of Local Law No. 10-2019 located on his property identified as Tax Map No. 230.00-02-07.200 (6948 Wetmore Road, in the Town of Watson)
YEA: 4 NAY: 0 Legislator Moroughan abstained.
2. Resolution that the following budget appropriation be approved in the District Attorney accounts for funds received through NYS Shared Assets (T0 000875) in the amount of \$678.44 to reimburse for 2020 office and administrative expenses.
YEA: 5 NAY: 0
3. Resolution to authorize an Agreement between the County of Lewis by and through the Lewis County Highway Department and Barton & Loguidice for Phase II, which is the final design phase and for regulatory permitting of the bridge replacement located on the River Road over SB Kimberly Creek in the Town of Harrisburg, at a cost not to exceed \$21,201.00.
YEA: 5 NAY: 0

4. Resolution to approve and authorize an Inter-Municipal Agreement with the Town of Watson Planning Board; for the Town to complete its Comprehensive Plan with the assistance and expertise of DANC, in consideration of the County contributing \$2,100.00 toward the fee charged by DANC for their services in the project. The Town will provide the County Planning Department with periodic updates on its progress toward completion of the Plan by February 28, 2021. *There was discussion on if any other Towns have asked for similar help, which there hasn't been, and if they do in the future, Legislators would like to know in advance.*

YEA: 5 NAY: 0

5. Resolution on County policy recommendations on solar land use of farm lands. *There was discussion: clarification was made that section 2 of this resolution is directly from the NYS Solar Guide Book, except subsection III – which is language that the county added. Section 3 is also what the county came up with using the not to exceed 20% of prime ag land and not to exceed 50% of subprime ag land. Section 3 is what would be incorporated into PILOT agreements and what we would put forward as the counties recommendation. Legislator Kulzer viewed it as a direct restriction to our tax paying residents. Casandra further clarified that this would be put in PILOT agreements and the solar developers that abide by the percentages would have a lower payment and those that don't would have a higher payment. Legislator Kulzer still felt strongly that this was just us telling tax paying landowners what they can and cannot do with their own land. Farmers are facing dire times and need this additional income. Legislator Dolhof voiced his support of having solar developers utilize subprime land first over prime land so there would still be good land to lease out to other farmers. Sheriff Carpinelli commented that this might limit farmer's ability to grow non-traditional crops like marijuana, if it is legalized. Legislator Gilbert voiced that the recent JCC study results showed a large portion of the population was in favor of solar development. Legislator Chartrand made a motion to table this for further discussion, seconded by Legislator Burns and carried. Legislator Gilbert abstained.*

6. Resolution to authorize a Memorandum of Understanding between the County of Lewis, by and through the Lewis County Probation Department, and Cornerstone Mobile Counseling to provide assessment, treatment, and case management services to Lewis County Probationers who have qualified for Managed Medicaid insurance.

YEA: 5 NAY: 0

7. Resolution authorizing an amendment to the MOU/lease agreement with Lewis County Search & Rescue, and with the Harrisville Fire Department to lease space on the County's Towers and in its equipment shelters at the Number Three Road tower site (LCSR) and Town of Diana Tower site (HFD), with no annual cost, but subject to the County's right to terminate the Agreement if there is any cost, and if there is any interference with the County's Emergency 911 Communications functioning by LCSR's or HFD's lease of the space at these two sites. *Legislator Chartrand asked Legislator King is he was in favor of this and he responded that he was.*

YEA: 5 NAY: 0

8. Resolution to authorize an amendment to the agreement between the County of Lewis, by and through the Lewis County Sheriff's Department, with GlobalTel Link Corporation for inmate telephone services to extend the term to April 15, 2023, modify the phone commission remuneration percentages, and provide tablets to the County at no charge for content access. *There was discussion and then clarification that the tablets are free, the service is billed directly to the inmate, and the Sheriff's Office receives a certain percentage of fee charged.*

YEA: 5 NAY: 0

9. Resolution opposing any attempt by the NYS Board on Electric Generation Siting and the Environment to waive local laws and ordinances when approving/rejecting a proposed renewable energy project under Article 10, as same is taking of local municipalities' home rule rights and abilities to manage land use issues within their borders.

YEA: 4 NAY: 0 Legislator Gilbert abstained.

10. Resolution to award the bid to and authorizes agreements with Evans Caulking, of LaFargeville, NY, to provide services in the re-pointing of brick and mortar on the Old Courthouse Building and Public Safety Building, in accordance with the specifications set forth in the RFP, in consideration of the total payment of \$81,000.00, (\$68,000 for the CHB and \$13,000 for the PSB) to be completed by the end of the summer, 2020.

YEA: 5 NAY: 0

11. Resolution to award the bids to and authorize agreements with the following: Aktor Corporation of Waterville, NY, to provide services in the re-caulking and asbestos abatement around the glass block windows at the highway garage building, in accordance with the specification set forth in the RFP, in consideration of the payment of \$13,000.00 to be completed by the end of the spring, 2020; and Continental Construction, LLC of Gouverneur, NY to provide services including new siding, windows, rigid insulation and overhead door canopy at the highway garage building, in accordance with the specifications set forth in the RFP, in consideration of the payment of \$184,900.00 with work to commence in late spring, 2020 and be completed by the end of summer, 2020.

YEA: 5 NAY: 0

Motions:

1. Legislator Burns made a motion to award bituminous oil bids based on project location in accordance with the tabulation of all bids prepared by the Highway Superintendent and placed on file with the Clerk of the Board, for the period of 4/1/2020 to 3/31/2021, seconded by Legislator Gilbert and carried.

2. Legislator Burns made a motion to award hot asphalt mix bids based on project location in accordance with the tabulation of all bids prepared by the Highway Superintendent and placed on file with the Clerk of the Board, for the period of 4/1/2020 to 3/31/2021, seconded by Legislator Chartrand and carried.

Matt O'Connor explained that at the last Ad Hoc Committee for Capital Investments meeting it was determined that the PSB HVAC system would be replaced in 2020. He asked for a motion to

send out an RFQ to get a recommission survey done to make sure he has the information necessary to for the RFP.

Legislator Burns made the motion to authorize Buildings & Grounds Supervisor Matt O'Connor to put out an RFQ for a recommission survey on the PSB HVAC system, seconded by Legislator King and carried.

Legislator Hathway updated the committee that the fire damaged property in Harrisville has been worked on but he would like to have Ward Dailey set up a meeting to look it over to make sure it is completed.

At 2:10 p.m. Legislator Chartrand made a motion to adjourn, seconded by Legislator Burns and carried.

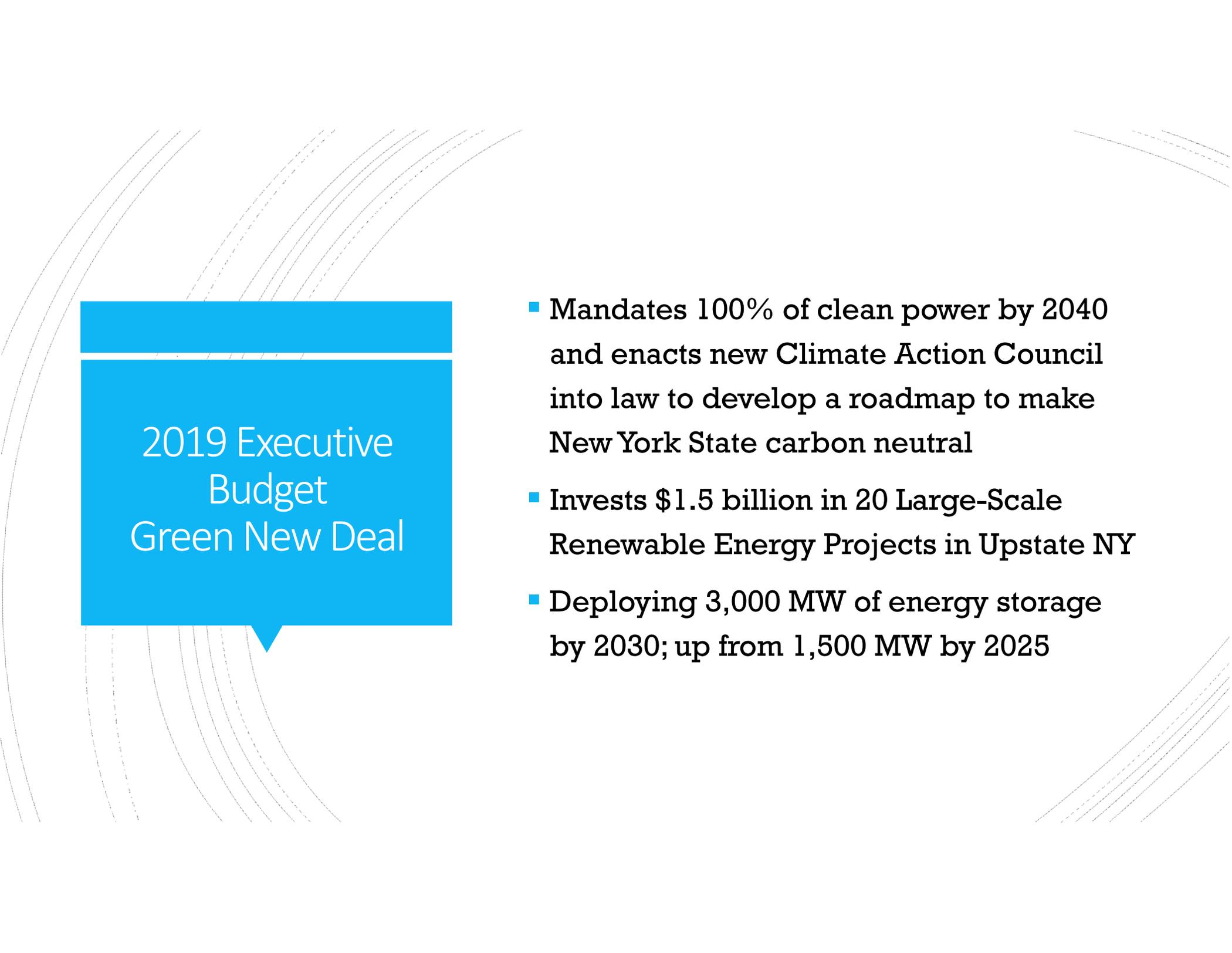
Respectfully submitted,
Cassandra Moser, Clerk of the Board

The background features a series of concentric, light gray circles of varying radii, creating a ripple effect. Overlaid on this is a large, solid blue speech bubble shape with a pointed bottom center. The text is centered within this blue shape.

Solar on Agricultural Land

General Services Committee Meeting

March 17, 2020

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2019 Executive Budget Green New Deal

- Mandates 100% of clean power by 2040 and enacts new Climate Action Council into law to develop a roadmap to make New York State carbon neutral
- Invests \$1.5 billion in 20 Large-Scale Renewable Energy Projects in Upstate NY
- Deploying 3,000 MW of energy storage by 2030; up from 1,500 MW by 2025

Proposed 2020 Budget Bill

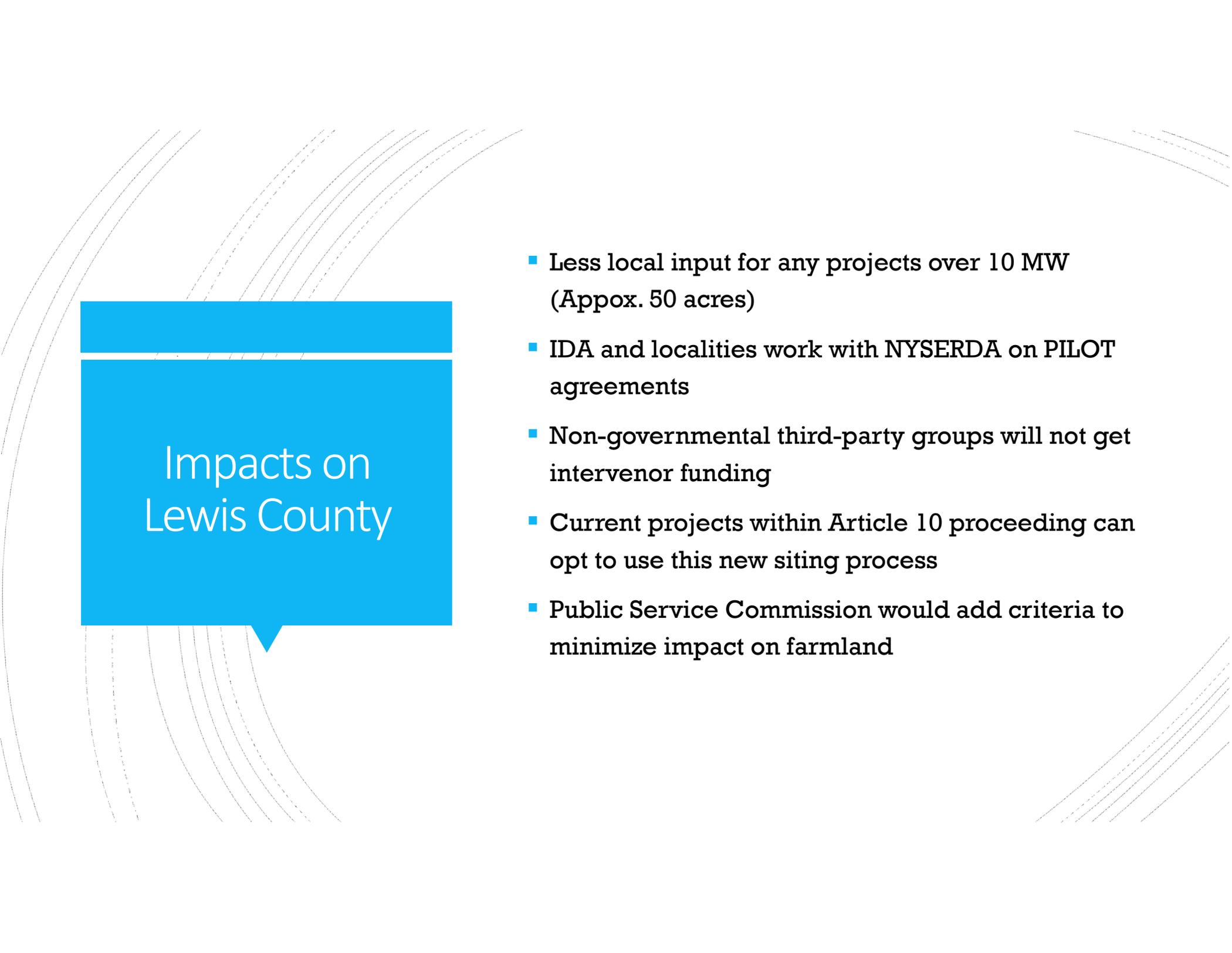
- **“Accelerated Renewable Energy Growth and Community Benefit Act”**
- Renewable projects will no longer be part of Article 10 and will now fall under a new economic development law siting process – “Office of Green Energy Siting”
- Process will take 1 year or less
- This new Office may “elect not to apply, in whole or in part, any local law or ordinance which would otherwise be applicable if it finds that, as applied to the proposed major renewable energy facility, is unreasonably burdensome”

Proposed 2020 Budget Bill

- A locality would be required to consult with NYSERDA to determine the annual payments to be made pursuant to PILOT contracts
- Property owners and communities would receive incentives, such as PILOTS, to host major renewable energy facilities
- NYPA will develop bulk transmission improvements in existing right-of-way needed to meet CLCPA targets quickly
- PSC will conduct a proceeding on renewable developers funding a discount on utility customer bills in a renewable host community or to provide compensatory or environmental benefit to said customers

Proposed 2020 Budget Bill

- **NYSERDA would identify “build ready sites”**
- **PSC would find and determine that the facility minimizes to the extent practicable any significant environmental impact and impact on farming operations**
- **Renewable energy systems with a nameplate capacity between 10 MW and 25 MW may choose to be part of this new siting process**
- **Real Property Tax Law Section 487 changes**
 - **Assessed value of solar or wind energy systems by an income capitalization or discounted cash flow approach that includes an appraisal model and a discounted rate published by NYSERDA**



Impacts on Lewis County

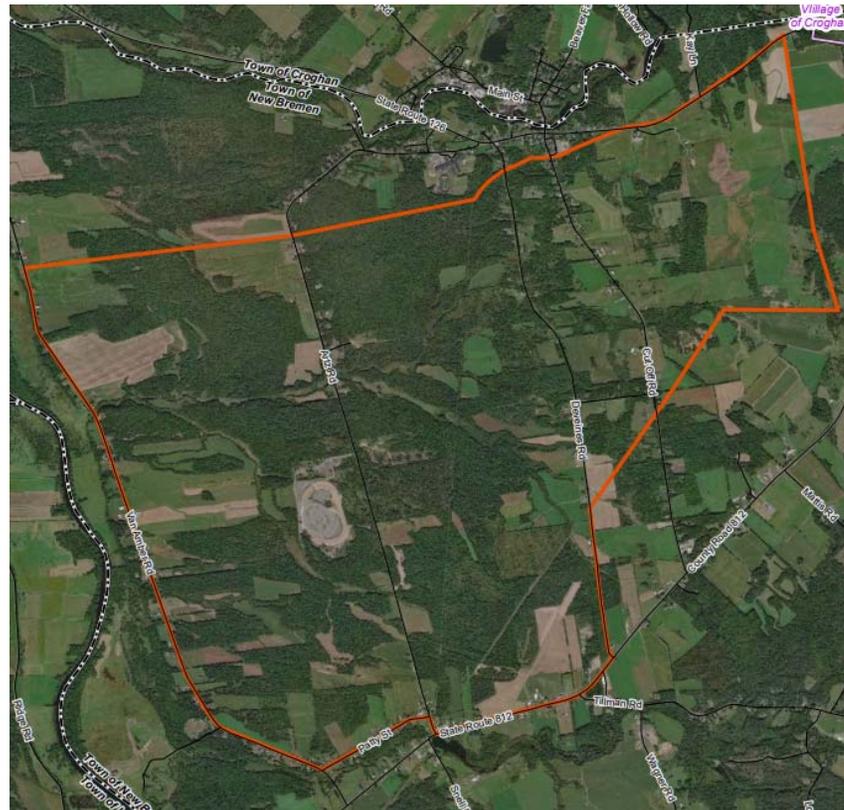
- Less local input for any projects over 10 MW (Approx. 50 acres)
- IDA and localities work with NYSERDA on PILOT agreements
- Non-governmental third-party groups will not get intervenor funding
- Current projects within Article 10 proceeding can opt to use this new siting process
- Public Service Commission would add criteria to minimize impact on farmland

Recent Lewis County CPB Solar Project Reviews

- **Maple Tap Solar Project – Town of Martinsburg**
 - 10 Acres / 2.8 MW – ½ of the site soils are listed as Prime Farmland
 - Prominent Ag Use
- **Flat Rock Solar Project – Town of Martinsburg**
 - 30 Acres / 7.1 MW – site soils are listed as Prime Farmland
 - Prominent Ag Use
- **East Road Solar Project – Town of Denmark**
 - 31.7 Acres / 4.5 MW – site soils are listed as Prime Farmland
 - Prominent Ag Use
- **Duke Energy Solar Project – Town of Leyden**
 - 69 Acres / 20.7 MW – site soils are listed as Prime Farmland
 - Prominent Ag Use

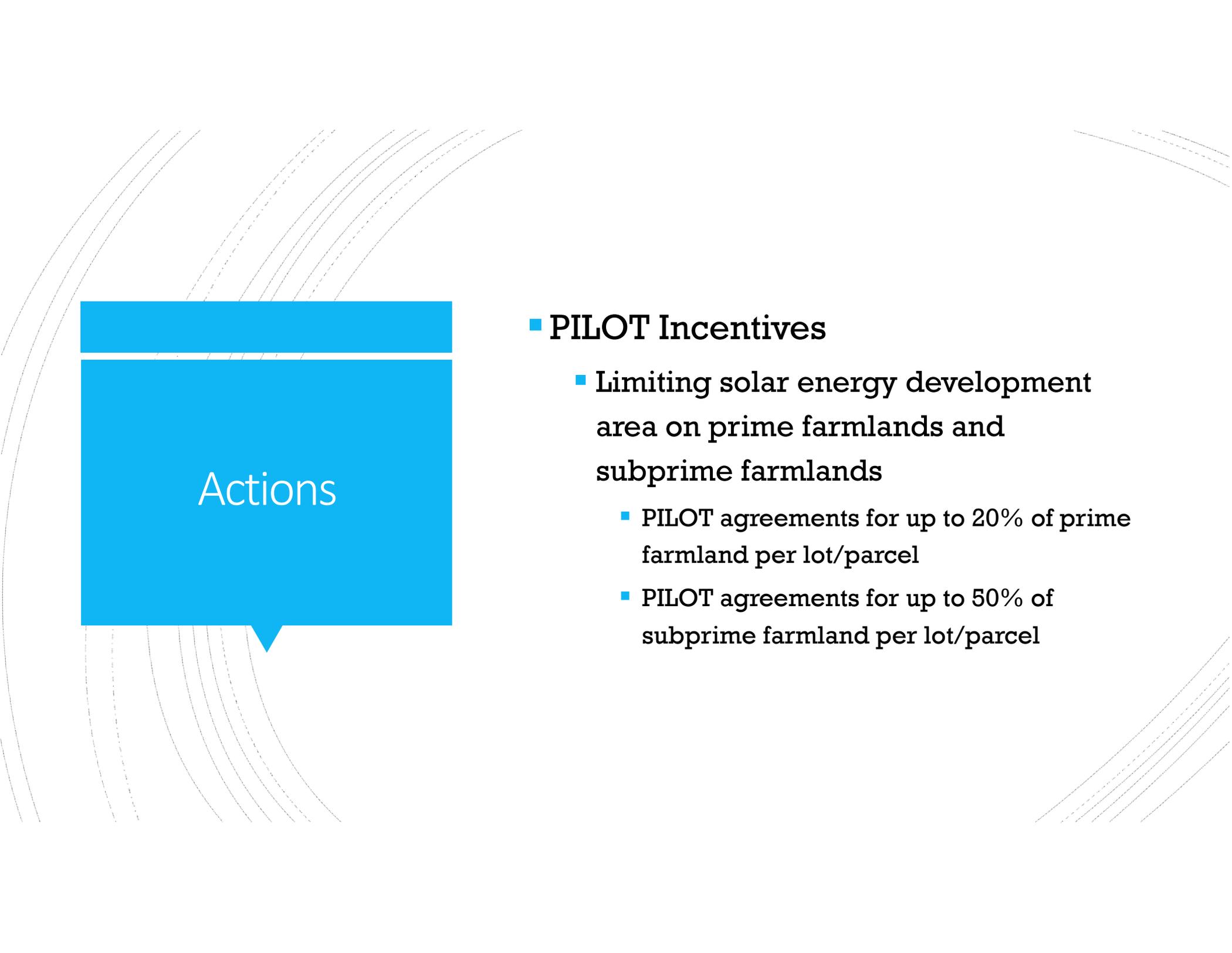
Article 10
Solar Project
In Process

- Geronimo Energy – Town of New Bremen Project
 - 100 MW Facility / 1,100 acres



Agricultural Land Use Concerns

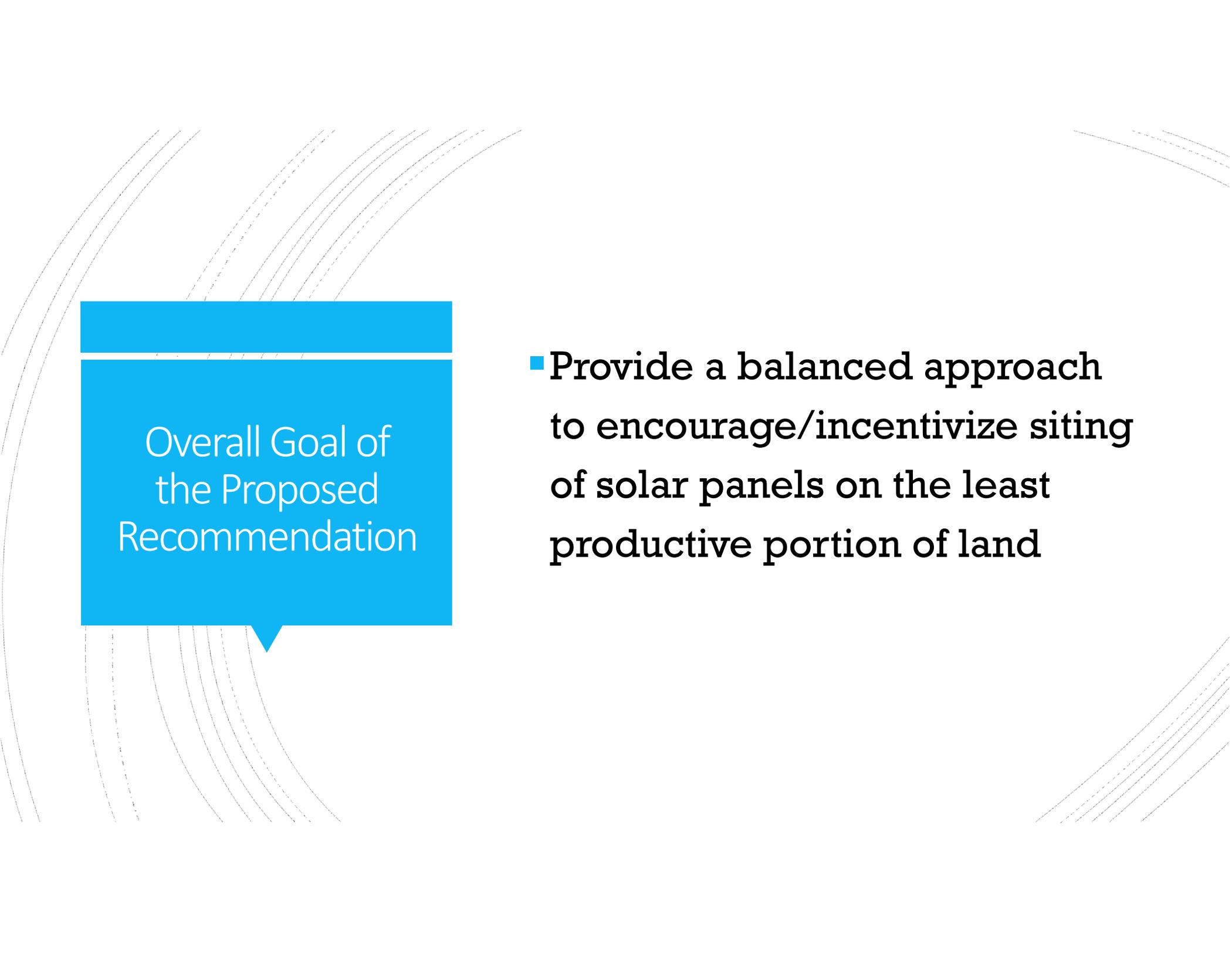
- Rented farmland is being leased to solar developers who are willing to pay more
- Ag land with prime soils could be “out of commission” for 40+ years depending on lease agreement
- Every 100 acres of farmland removed from dairy production could result in a \$500,000 (generated from milk sales) loss from the economy

A decorative background consisting of several thin, curved lines in shades of gray, sweeping across the top and sides of the slide. On the left side, there is a blue graphic element consisting of a horizontal bar at the top and a larger rectangular area below it, which has a small triangular pointer pointing downwards at its bottom center. The word "Actions" is written in white text inside the larger blue area.

Actions

- **PILOT Incentives**

- **Limiting solar energy development area on prime farmlands and subprime farmlands**
 - **PILOT agreements for up to 20% of prime farmland per lot/parcel**
 - **PILOT agreements for up to 50% of subprime farmland per lot/parcel**

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Overall Goal of
the Proposed
Recommendation

- **Provide a balanced approach to encourage/incentivize siting of solar panels on the least productive portion of land**