

Minutes

Planning & Economic Development Committee

November 10, 2020, 6:00 pm, Legislative Chambers

Gerace Office Building, Mayville, NY

Members Present: Odell, Starks, Muldowney, Harmon, Ward

Others: Tampio, Ames, Vanstrom, N. Aldrich, D. Bowen, Chagnon, Geise, Nazzaro, Gould, Abdella, Dennison, Scudder, Lawton, Hemmer

Chairman Odell called the meeting to order at 6:01 p.m.

Approval of Minutes (10/21/20)

MOVED by Legislator Starks, SECONDED by Legislator Harmon.

Unanimously Carried

Privilege of the Floor

Chairman Odell: Madam Clerk, I understand we have quite a bit on deck tonight.

Clerk Tampio: Yes. I have received 10 communications and I will be reading them in the order in which I received them, if that's o.k. The first one is from a Robert E. Galbraith from Ripley.

Please accept the following comments below regarding the application of ConnectGen, LLC for Payment in Lieu of Taxes (PILOT) proposed agreement for the South Ripley Solar Project. We urge the Committee to prepare, pass and submit a No PILOT Resolution to the Chautauqua County Legislature for vote for forwarding to the CCIDA.

1. The proposed project encompasses 4500 acres of land; of this 1994 acres is forested and the remainder is high value agricultural land. This proposed project site encompasses 14.5% of the land mass of the Town of Ripley. Of that, 2000 acres is slated for the development. This project is anything but green will turn pastoral South Ripley into a wasteland.

2. Science for Battery Energy Storage Systems (BESS) is still incomplete. BESS are still very unproven and susceptible to overheating, thermal runaway, and fire. This puts all First Responders and the local population at great risk from explosions, toxic gases and liquids as the result of a fire at one of these facilities. New York State Fire science does not offer any type of training nor documentation on combating these types of fires.

3. Forests remove approximately 1 ton of carbon per acre per year and store it in the wood and ground as part of the carbon cycle. This would be eliminated with every mature acre cut with this project. Replacing woodlands and prime agricultural land with solar farms makes no sense.

4. Chautauqua County is a vacation mecca and a major source of income for our county. Allowing these green energy projects to proliferate all over the county will only discourage people from visiting the county for its lakes, scenic vistas, activities, and our bounty of unblemished green space.

5. This project will use out of state workers for the construction of this project thereby offering little economic opportunity for the local workforce.

6. This company is from Texas so very little of the revenue from Operations will be returned to the NY State taxpayer. This only provides more burden on our community, and local and New York State taxpayers.

7. ConnectGen has not submitted their project application to the NY State Siting Board yet, so it is unknown regarding the design and layout of the Solar Farm and BESS. How can the CCIDA approve a PILOT when the application has not been released and reviewed?

8. To summarize: ConnectGen proposed PILOT agreement for the Solar Farm and the Battery Energy Storage System (BESS) should be rejected based on all the reasons stated above. Thank you Robert E. Galbraith -President, Ripley Hose Company No. 1 and Concerned Citizen

The second communication is from Julie Rice of Ripley, N.Y. It was a letter that was submitted to Legislator Odell and she asked that it be read during privilege of the floor at your PED Committee meeting.

Legislator Odell,

This past spring, ConnectGen LLC conducted a safety seminar with our Fire Fighters. I've included two of the documents that were presented, with comments/questions/highlights as markups for review purposes.

Please review the entire documents, but specifically note the following items:

NOTE: Both documents were prepared by DNV GL, a company based in Norway:

- 1) Quantitative Risk Analysis for Battery Energy Storage Site, Author, DNV GL, May, 17, 2019:
 - a. The presentation references UK data, evaluates risk of fatality, and documents several times- the battery fire/explosion testing has occurred in a lab.
 - b. Page 20- The Risk matrix stretches out the time period to measure up to 100,000 years. Please read labels-
 - i. If we refer to the 100,000 year time frame, the matrix shows green, and green is designated as low risk.
 - ii. In our lifetime in years, the blocks of the matrix are red, equated to "HIGH RISK".
- 2) Energy Storage Safety Webinar, Author, DNV GL, May 7, 2020:
 - a. Note the Title Page comments
 - b. Page 4- Note how close the proposed storage is to PA state line, the proposed project would also impact North East, PA residents.
 - c. Page 6- "Whenever possible, site projects in normally unoccupied spaces".
 - d. Page 19- Note, "Let it burn approach"

The State of New York has signed *only* a 20 year agreement with ConnectGen LLC.

Finally, here is the link on YouTube to comments made at the last Legislature Meeting regarding the proposed South Ripley Solar Project. Please watch the video once the attached

information is reviewed; this information will help explain concerns presented at the meeting: <https://www.youtube.com/watch?v=vszmENGwNOc>

If you would like a copy of the documents without markup, please let me know. Thank you- Julie Rice, Ripley, NY

#3 – This is from Karen Engstrom

Dear Chairman Mark Odell, November 10, 2020

Subject: request for a NO Payment in Lieu of Taxes resolution for large energy projects over 5 MW in size.

The South Ripley Solar and Lithium Battery Storage facility will create few jobs beyond the construction stage.

The project will permanently destroy 2000 to 4000 acres of valuable farm and recreational land. ConnectGen plans to clear-cut 2000 acres of forest for the project. The blight created by the enormous Ripley project will have a negative environmental and economic impact on the entire region and will set the precedent for other such industries.

The European Energy Commission states, “Any attempt to adopt an Energy Transition strategy by substitution of intermittent for **base load** power generation above the 35th parallel will result in unavoidable net **energy loss.**”

The video Michael Moore's "Planet of the Humans “Humans”

<https://www.bitchute.com/video/4yexf7R06KWC/>documents the fact that many such facilities are eventually abandoned leaving a permanently devastated area.

Solar panels are considered “*hazardous*” waste by the Environmental Protection Agency. Decommissioning and disposal is admitted by the industry to be a problem “we will solve in the future”.

Industrial solar “Relies on the most toxic industrial processes ever created. More energy is used to create a solar facility than you get back. Producing symbolic power has seduced well-meaning environmentalists into making bad decisions.” According to Ozzie Zehner, UCLA energy policy engineer.

Western New York is already producing 90% emission free energy. If there is a need for power in the New York City area, it cannot be transmitted from here without major upgrades in the electrical grid.

NYISO and NYSERDA state that investment in grid infrastructure would boost grid output by 30% without adding a single new power generation source.

The South Ripley Solar project stands in direct opposition to the goals set out in the Chautauqua County Comprehensive Plan: “to maintain the rural landscape, heritage, and scenic views of Chautauqua County.”

We are requesting a resolution that instructs the CCIDA to not issue a PILOT to any energy projects larger than 5 MW. Thank you. Sincerely, Karen and Roy Harvey, 5189 W. Lake Road, Mayville, N.Y.

Video: What’s Wrong with Wind and Solar? <https://www.prageru.com/video/whats-wrong-with-wind-and-solar/>

#4 This is from Mark Smith

Good morning my name is Mark Smith. I'm the fire chief of Ripley New York and I have many concerns about the solar project that is proposed for South Ripley. I did go to via web the safety seminar that connect gen proposed. There are too many holes and gaps and their safety procedure. The technology for the battery storage system is not yet proven that has seriously injured many firefighters; example Phoenix Arizona .

Please understand that the solar panels produce 600 volts DC continuously and it only takes 60 volts DC to kill a human. Their solution to fight a fire is water. Water conducts electricity and water also leeches the toxics out of the panels or the battery storage containment in groundwater. These battery storage systems use power off the grid for the cooling systems because they generate so much heat, they have to be cooled. If there is a power failure in South Ripley, which happens all the time in the stormy months, the batteries overheat cause internal damage and cause electrical arcing causing fire. They are so inefficient but they have to buy Power to run their systems and control panels and at this time New York State does not offer any training for firefighters on solar Farms. So I'm asking the board to consider no pilot programs and try to save Ripley as ag land and woods. For the safety of our residents and firefighter's please reconsider any pilot programs and restrict any industrial solar projects that could take Chautauqua County and make it a solar Wasteland.

#5 This is from Kathy Thompson

I am opposed to the South Ripley Solar project. I have safety concerns Battery Storage facility, and run off for solar panels. The fact that we are a farming community, with aquifer that services the towns of Ripley, Findley Lake and North East, PA. The aquifer feeds the streams that flow into 20 mile creek into Lake Erie. French Creek to the Allegheny River, French Creek is the only unpolluted waterway in New York and Pennsylvania.

As a member of the Ripley Fire District, Board of Fire Commissioner I want to insure the safety of all Fire Personnel are safe. My Husband Tom and I are both firemen in South Ripley. We live less than two miles from the proposed battery storage site. It is a known fact that the lithium Ion batteries catch fire and explode.

ConnectGen has stated that we should not fight the fire but to get residents and ourselves at least 7 to 10 miles away. This is depending on the wind and how it is traveling. It is stated that we only have 10 to 15 minutes to accomplish. If this happens at night you have eaten up most of this time up with getting up, getting dressed and out the door.

Since New York has no guidance for fire personnel to follow if this happens. This would put the first units on seen in jeopardy.

South Ripley, Ripley and North East, PA would be the first on site. Are you willing to put firefighter's lives in jeopardy?

What will happen when the solar panels have lived out their usefulness? Who deals with taking care of them?

These solar panel will destroy the land. Where will we grow food to feed our animals and ourselves?

Also this electricity is not needed in our area we have water from Niagara Power plant that is not running at full capacity. So the people who will benefit the most from this are from

Texas. Why should we allow them to wreck our land so they can make money? Growing more trees would benefit us more than the electricity from these panel.

#6 This is from Mark Twichell of Fredonia

The proposed South Ripley Solar project is now before you as the latest political effort to exchange our county's environmental qualities for a blue urban agenda.

-- There is no scientific accountability for any of the project's intermittent energy to impact our Western New York power grid, which is already 90% emissions-free.

-- There is no account balance for the economic impact of the project, or of its alleged emissions reductions compared to the loss of carbon sequestration by the sacrificed 4,000 acre forest and fields. The permanent loss of thousands of acres of agricultural soils is unacceptable.

--The project includes a massive battery electric storage system which has a history of catastrophic fire in the US and abroad. There has been no safe setback distance for these systems listed by NYSERDA, or the NYS Uniform Builder's code, or even specifically in the newest proposed NYS Office of Renewable Energy Siting guidelines. In addition the Town of Ripley currently has adopted a moratorium on battery systems as they perform their due diligence in their local zoning regulations.

I urge your committee to approve a draft resolution for the legislature's consideration advising the CCIDA to withhold a PILOT agreement for this and all other industrial solar facilities. Thank you for your time in service to our County. Mark Twichell, Fredonia

#7 This one is from Edward Giardini, Jr. – Business Manager – Laborers' International Union of North America Local #621

Re: Support for solar development in Chautauqua County

I am writing this letter on behalf of Laborers' Local 621 in support of the South Ripley Solar Project in Chautauqua County. With more than 500,000 active members across the country, LiUNA has always been at the cutting edge of energy infrastructure development and supports the construction of new electric generation facilities when they are done safely and responsibly.

Having personally represented LiUNA on several other major solar construction projects in New York, I understand the numerous benefits solar projects can provide. This project and future projects will create the opportunity for high paying, highly skilled labor jobs right here in Chautauqua County - these American jobs are the backbone of our country. The South Ripley Solar Project will create the opportunity for up to 220 construction jobs during the peak of employment. These jobs will include surveying, trucking and hauling, equipment operation and fueling, site grading, building temporary access roads and the collection system, and many more. The construction jobs created by the South Ripley Solar Project will be filled by local workers to the extent they are available. We have an agreement in place with ConnectGen designating members of LiUNA Laborers Local 621 as the first option to support the construction of the project.

With over 350 active members currently residing in Southwestern New York, half of them in Chautauqua County, the South Ripley Solar Project and future solar projects will enable our members to continue to provide for their families and have the rare opportunity to build a large-scale renewable energy project right in their backyard. As you can imagine,

our members prefer to spend their money where they live and work, creating an additional economic boost in the local community. The nature of our work is seasonal and typically of a defined time frame, where our members move from job to job in order to provide for their families. This type of opportunity is a rare occurrence in our area so it would be a great loss to our members should it not move forward.

The Laborers Local 621 Skilled Construction Craft Labor Apprenticeship Program has young members that are also Chautauqua County residents. These apprentices are part of "an earn while you learn program" where on top of classroom instruction these young members receive on the job training as part of becoming a skilled laborer. The Local 621 Apprentices are learning a trade in hopes of having a career and building a family in the county that they grew up in. It is projects like the South Ripley Solar Project that will help retain young people to Chautauqua County while offering them good paying middle-class jobs.

In addition, the South Ripley Solar Project will provide long-term tax revenues to the community, allowing for the enhancement of local infrastructure and public services - also very meaningful to our members and their families.

I strongly encourage you NOT to pass a resolution barring the Chautauqua County Industrial Development Agency from signing a PILOT with the South Ripley Solar Project or any future solar projects. To do so would be to strip our members of guaranteed work and family income in our community. Thank you for your time and consideration. Sincerely,
Edward Giardini, Jr. Business Manager

8 This is a communication from Isaac Phillips of ConnectGen. It's entitled:

SOLAR TALKING POINTS

Cost of Solar

Solar power is now one of the cheapest new sources of electricity in most of the world due to declining equipment costs, improved technologies, and public policy supporting the procurement of renewable energy across the country [1].

In the last decade, the cost to install solar has dropped by more than 70 percent, and as of Q2 2020, prices are at their lowest historical level across all market segments [2]. According to Lazard's Levelized Cost of Energy Analysis – Version 14.0 (2020), new solar and wind resources have an unsubsidized levelized cost of energy in the range of 3.1¢/kWh - 4.2¢/kWh for large-scale crystalline solar and 2.6¢/kWh – 5.4¢/kWh for onshore wind. Including subsidies, the ranges fall to 2.6¢/kWh - 3.5¢/kWh for large-scale crystalline solar and 2.4¢/kWh – 3.2¢/kWh for onshore wind. Both ranges, subsidized and unsubsidized, fall below the levelized cost of energy for new coal or gas combined cycle power production [3]. These results have been bolstered by the International Energy Agency's World Energy Outlook 2020 which found that "For projects with low-cost financing that tap high-quality resources, solar PV is now the cheapest source of electricity in history" [4,5]

ConnectGen does not expect a difference between the planned production and actual production of the South Ripley Solar Project once it is operational. ConnectGen has already completed more than a year's worth of on-site solar resource data and weather monitoring to confirm production estimates for the project. ConnectGen is contractually bound to the

anticipated production thresholds through its REC contract with NYSERDA and should the project not meet the projected production, this REC contracts could be put at risk.

[1] <https://www.bloomberg.com/news/articles/2020-04-28/solar-and-wind-cheapest-sources-of-power-in-most-of-the-world>

[2] <https://www.seia.org/solar-industry-research-data>

[3] <https://www.lazard.com/perspective/lcoe2020>

[4] <https://www.resilience.org/stories/2020-11-06/solar-is-now-cheapest-electricity-in-history-confirms-iea/>

[5] <https://www.iea.org/reports/world-energy-outlook-2020>

South Ripley Benefits

The South Ripley Solar Project represents an approximately \$350 million capital investment which will bring significant revenue, construction jobs, and economic development into the Town of Ripley and Chautauqua County.

During its approximately year-long construction, the project is expected to create up to 220 family-wage jobs, many of which will be sourced from the local labor pool. ConnectGen has signed an MOU with Laborers Local 621 and is working to sign an MOU with IBEW Local 106 that will aim to hire local laborers to work on constructing the project. The project will increase business activity among local hotels and motels, grocery stores, gas stations, restaurants, equipment rentals, materials suppliers, and similar businesses. During operation, the project is anticipated to create 2-4 local full-time family wage operations and maintenance jobs earning more than \$40,000/year.

For local host landowners, the project represents a significant, stable long-term income source that will provide economic security and diversified revenue to protect family farms. ConnectGen has already paid local host landowners over \$600,000 for site control agreements, and annual payments to these landowners are expected to average over \$1,000,000/year, resulting in over \$30 million in payments to local landowners over the life of the project. These landowners, in turn, will likely use this money to reinvest in new farm equipment or home improvements, which will generate additional income for the County in assessed property taxes and sales tax.

The project will also result in a significant, dependable revenue to the Town of Ripley, Sherman and Ripley School Districts, and Chautauqua County without burdening existing resources. ConnectGen is currently negotiating economic terms for the PILOT and Host Community Agreement (“HCA”) with the CCIDA and the Town of Ripley. It is estimated that through the PILOT and Host Community Agreement (“HCA”), the project will provide additional tax revenues totaling at least \$16 million to the Town of Ripley and Chautauqua County over the life of the project. The project is projected to be one of the top 5 taxpayers in the County. It is expected that the Town of Ripley’s share of the increased revenue would comprise at least 40% of the Town’s annual property tax levy. In addition, the project will result in additional tax revenues for the Sherman and Ripley School Districts, which could total more than \$4.7 million over the life of the project. These PILOT and HCA payments represent 30 years of guaranteed, stable revenue that will enable the town, county, and school districts to make long-term financial plans, providing each with a great amount of flexibility in utilizing these funds to enhance the community.

SOLAR INCENTIVES

Solar Investment Tax Credit (ITC)

The solar Investment Tax Credit (ITC) is one of the most important federal policy mechanisms to support the growth of solar energy in the United States. Since the ITC was enacted in 2006, the U.S. solar industry has grown by more than 10,000% - creating hundreds of thousands of jobs and investing billions of dollars in the U.S. economy in the process. Despite the overwhelming success and popularity of the ITC, the value of the credit will unfortunately start decreasing after 2019.

The ITC is a 26 percent tax credit for solar systems on residential (under Section 25D) and commercial (under Section 48) properties. The Section 48 commercial credit can be applied to both customer-sited commercial solar systems and large-scale utility solar farms. The residential and commercial solar ITC has helped the U.S. solar industry grow by more than 10,000% percent since it was implemented in 2006, with an average annual growth of 50% over the last decade alone.

Congress passed a multi-year extension of the ITC in 2015:

Renewable Energy Credits

A REC is produced when a renewable energy source generates one megawatt-hour (MWh) of electricity and delivers it to the grid. For example, if a wind power facility produces 5 MWh of electricity, they have 5 RECs to either keep or sell. If you or your business buys those RECs, you are buying the “renewable” aspect of the electricity from the wind farm, and you can say that 5 MWh of your electricity use came from a renewable source.

A REC that has been sold once cannot be purchased again. All RECs are uniquely numbered and generally include information such as where they were generated, the type of renewable resource they came from, and a date stamp of generation. The exchange of RECs is tracked and recorded. NYSERDA has purchased the REC's from the Ripley Solar Project.

#9 This is a communication that came to me from Mike Rowe, who is a Deputy Town Supervisor of the Town of Ripley. It is an email that was sent from Mike Bolander to, I'm not sure who that's to. It also went to Douglas Bowen.

1. Solar projects are likely to become a reality based on NY State policy and thus we at the local county/ town level need to maximize what limited authority we have in order to shape such projects in a manner that not only benefits our communities from a financial perspective but also in how such projects are actually constructed and operated since the developer is more likely to shape their project in a more agreeable fashion to achieve the tax benefits of the pilot.
2. The projects provide local landowners and communities with significant monetary benefit which may far exceed the amounts as well as the distribution of previous local energy development i.e. the oil and natural gas experience of the 1970's and 80's.

3. The likely loss to local governments and their communities of development related growth from the projects themselves as well as the at least modest ancillary growth as the projects use other local goods, services and require some local employees.
4. It is likely that should projects require tax incentives which are not provided by local pilots, we can expect that the State will either impose them for us or simply provide them in some other fashion and keep the pilot payments for the State Treasury. This would naturally be the worst of all possible outcomes.
5. It is clear that such a policy of denying Pilot benefits across the board would be seen as exactly what it is, a blatant effort to impose a County wide NIMBY program for alternate energy development which would likely be challenged legally by developers and or by the State itself. We could expect to see not only the vast expenditure of dollars in a futile legal battle but projects imposed with little to no local input.
6. Given the States policies and the undeniable demand for ever increasing amounts of electric generating capacity we need to approach these proposals with every possible negotiating tool that we can obtain to ensure that if projects to get built they are environmentally sound and that they provide maximum benefit to the individuals on whose property they are constructed as well to those communities and the county in which they are located. Pilots are one of the few remaining tools in which we can shape these proposals and ensure as best we can the acceptability of the projects for individuals as well as the larger communities in which they are built.

#10 The final communication. This comes to me from Mike Rowe but it is communication from Doug Bowen.

Having been a dairy farmer for many years, I am familiar with the year to year up and down market. Some years are not profitable and even when profitable profit margins are low. This stands true not just for dairy farmers but for all farmers. Project such as the solar project provides passive revenue for the farmer/landowner that can be counted on. The solar project does not necessarily mean farming has to cease on the property if the developer and farmer plan for growing crops under the panels or grazing sheep under the panels. Grazing eliminates the need to cut grass or use herbicides on vegetation. If proper vegetation is planted, beehives can also be placed around the perimeter of the projects for honey to provide an additional source of income.

Of course the financial benefits of the project to the host community will help lessen the economic impact of COVID and provide a revenue stream for future economic development.

I am not sure I am in favor of the project or not but the planning should go forward through the full Article 10 process that will ensure that safety and decommissioning issues are fully processed.

If I had known that I would not be able to address the committee I would had had a more complete statement prepared.

Clerk Tampio: That concludes the received communications under Privilege of the Floor.

Chairman Odell: Madam Clerk, thank you very much. Take a break, get some water. Appreciate that. The Board and I (*inaudible*) quite a bit of privilege of the floor tonight by written communication. Thank you.

Now the PED Committee is pleased to facilitate the discussion regarding payments in lieu of tax agreements or PILOT agreements for solar and other renewable energy sources. Our legislative body has received numerous inquiries and statements on this topic in recent months and so many more yet today as you've seen. I'm thrilled to see 7 of our additional colleagues beyond our committee on this (*inaudible*) discussion as well.

Discussion – Solar “PILOT” Agreements

Other

Chairman Odell: Are there any other “others”?

Legislator Starks: Of course there are no other “others”.

MOVED by Legislator Starks, SECONED by Legislator Harmon to adjourn.

Unanimously Carried (7:35 p.m.)

Respectfully submitted and transcribed,
Kathy Tampo, Clerk/Olivia Ames, Deputy Clerk/Lori J. Foster, Sr. Stenographer