

ST. LAWRENCE COUNTY
AGRICULTURAL AND FARMLAND PROTECTION BOARD

Public Safety Complex, 2nd Floor, 48 Court Street

Canton, New York 13617-1169

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MEETING MINUTES

Thursday, October 7, 2021

Zoom Meeting ID: 814 2869 0391

Passcode: 419354

I. Call to Order

A. Members present: R. Andrews, M. Finen, B. Green, J. Greenwood, S. McKnight, J. Pfothenauer and J. TeRiele. **Members absent:** P. Ames, L. Denesha, D. Fisher and R. Sapp. **Staff present:** M. Larson. **Others present:** Bob Ahlfeld, St. Lawrence County IDA; Glenn Bullock, Farm Service Agency; and Rachel Hunter, Gouverneur Tribune Press.

Roll Call and Determination of a Quorum. Andrews called the meeting to order at 6:01 pm. Larson did a roll call for attendance; a quorum was established.

B. Adoption of the Agenda. The meeting agenda was unanimously adopted by consensus.

C. Approval of the Minutes. The April 1, 2021 meeting minutes were unanimously adopted (Pfothenauer/Greenwood).

II. New Business

A. Cancellation of Horizon Dairy milk contracts. Larson said the Board received a copy of a Channel 7 news article announcing Horizon Dairy's intent to not renew milk contracts with 89 organic dairy producers across the Northeast, and said she forwarded a summary from Pat Ames about Horizon Dairy's parent company's intent to reduce its transportation costs by signing 50 new contracts with producers who are within 300 miles of their processing plant based in Buffalo. Ames estimates 5-7 producers have dual membership in the county, and none of the remaining dairy processors in the region will accept additional milk. Andrews said he remembers when the North Lawrence dairy plant received financial assistance from the IDA and from Empire State Development Corporation to reopen or remain open, and would like the IDA to approach Upstate Niagara about accepting the displaced milk. Greenwood said the problem is current producers are being told to reduce production to 88%, and there is no opportunity for producers to change membership to another cooperative. Members of the Board agreed by consensus that submitting a written request to Upstate Niagara to accept milk

from displaced producers in the county wouldn't hurt, but noted it may not be successful (Green/McKnight).

III. Old Business

- A. 2021 Annual Review of Ag Districts 1 and 2.** Larson reported since the Board's meeting in April, a virtual public hearing was held to receive comment on the Board's recommendation to the County Board of Legislators. Larson said one person was in attendance who received general information about: The Ag District program; tax exemptions that are available to producers; and technical assistance resources available through Cornell Cooperative Extension. The attendee did not have any comments regarding the Board's recommendation. Larson said the requested additions were presented to the Board of Legislators, and a resolution was passed which followed the Ag and Farmland Protection Board's recommendations about adding lands to Ag District 2. Larson said the NYS Department of Ag and Markets certified the additions in August.
- B. County Planning Board Solar Projects Reviewed to Date.** Larson reviewed a table of solar projects that was updated to include projects that were reviewed since October 2020. Larson identified which projects were recently added to the table, then showed a mapped representation of those projects. Larson also referenced a table prepared by the IDA on the status of PILOT negotiations for solar projects throughout the county. Ahlfeld said the IDA continues to receive inquiries about solar projects every other day, and noted which recent projects were not sited on productive agricultural lands. Greenwood asked about a disapproved project on the Brewer Road in the Town of Canton. Pfothenauer said the County Planning Board's denial was due to a proposed access route that was situated on adjacent land without the permission of the landowner. Pfothenauer said the site plan was revised to realign access, and is moving along for review at the local level. Green asked whether developers were amenable to plan revisions based on feedback from the Planning Office. Larson noted that for the most part, by the time a developer is ready to file a site plan, the developer has secured input from all other stakeholders regarding a project's layout, and are less accommodating to Planning Office feedback. Pfothenauer concurred with Larson's assessment and added the Department of Ag and Market's influence to mitigate the impacts of solar projects financed by NYSERDA has diminished. Larson reminded the Board about the outcome between NYSERDA and the Department of Ag and Markets regarding a solar project's impacts to farmland in Waddington, and despite the Department's objections, NYSERDA proceeded with the project as it was originally planned.
- C. Article 10 Application by North Side Energy Center.** Pfothenauer said the project is moving forward, and the County has retained an attorney who is working with attorneys representing the host communities, as well as with architectural and engineering firm Barton & Loguidice. Pfothenauer said the developer and their attorneys have pushed back on the land use regulations that are in effect in each community, particularly the decommissioning standards, and the issue may be resolved by the project's five-member siting board. While the siting board has not been finalized, Pfothenauer said it is anticipated the siting board will determine the local regulations are unreasonably restrictive. Pfothenauer also said the Department of Environmental Conservation is taking a hard stance on the presence of wetlands at the project

location, and the developer has revised its mitigation plan for wetland impacts. Pfothenhauer said the Administrative Law Judges for the project have scheduled a virtual public statement hearing for October 22nd. Pfothenhauer said the anticipated timeframe for the review process is approval in July 2022, with construction to begin in fall 2022. Greenwood asked if a decommissioning requirement will apply to the project. Pfothenhauer said the application does include a decommissioning process, but it does not satisfy local requirements. Pfothenhauer suspects the local requirements for a price escalator to account for inflation, and omitting the scrap value of solar projects may be the objectionable by the developer. Greenwood said the decommissioning process is an important element of the project; Pfothenhauer and Matilda concurred.

IV. Reports

- A. Updates from AFPB Members.** Andrews said an email from Soil and Water Conservation District Manager Raeanne Dulanski was shared with the Board that summarized recent activities, which includes plans to schedule a fly over of a portion of Black Lake to assess the extent of milfoil that is present at the lake. Andrews said all funds for the cover crop seed program were exhausted, and is being used to seed up to 350 acres to help prevent wind and water erosion over the winter. Andrews said municipalities are following the advice of the County Forester to do a roadside survey of ash trees in local rights of way that are highly susceptible to the invasive Emerald Ash Borer (EAB). Larson said the Planning Office learned from the EAB Task Force that the EAB has been detected in the Town of Potsdam. Pfothenhauer said the County Board of Legislators recently authorized a payment to help cover the costs for a milfoil cutting project at Black Lake, and said the County received requests for similar requests for other water bodies in the county. Pfothenhauer said as a result, the County Environmental Management Council intends to work with the Soil and Water Conservation District to prepare a Countywide Invasive Species Management Plan.

Green said the County Real Property Tax Office's Senior Map Technician retired. Green said the Office recently completed interviews with employee candidates, and said new hire Jace Briggs is anticipated to begin working in the office on November 2nd. Green said the State is standardizing the valuation of wind and solar projects, and have drafted a couple of model formulas for comment. Green explained one formula will apply to projects that are between one and five megawatts, and a different formula will apply to projects greater than five megawatts. Public comments were due October 1st, with the intent to publish the new standards by October 15th which will go into effect in 2022. Green confirmed for Pfothenhauer that the new valuation formulas wouldn't preclude a developer from negotiating PILOTs, but would be used to inform the negotiation process. Pfothenhauer also wondered whether the new valuation formulas would make solar projects financially viable in communities that require full valuation for renewable energy projects. Green said the New York State Assessors Association feels the new formulas with discounted cash flow and capitalization rates are being written in favor of developers, and the Association does not support them. Larson speculated that the new valuation formulas may be so low, they may not make the issuance of PILOTs necessary.

VI. Other Items

A. Correspondence. Larson said the office received correspondence from the Department of Agriculture and Markets reminding the County that the eight-year review for Agricultural District 2 will occur in 2022. Larson said that starting in February, the County will inform property owners of the opportunity to add, or remove land from the district. Larson noted two of the largest solar arrays proposed in the county happen to be located in Ag District 2, and wondered whether the property owners who have signed lease agreements will request removing those lands, which takes Ag and Markets' farmland mitigation and reclamation requirements out of the equation.

B. Announcements.

- i. USDA Emergency Assistance for Livestock Program (ELAP). Larson said the meeting packet included a funding announcement from USDA about a forage relief program that is available to drought stricken livestock operators in the Midwest, and the opportunity to offset transportation costs if forage is purchased from St. Lawrence County producers. Larson displayed a map of the continental US depicting locations within 1,000 miles of the county that would be eligible to purchase forage from St. Lawrence County producers. Andrews said the transportation costs that would be eligible for reimbursement could be as high as \$2.66 per mile. Andrews said Cooperative Extension in Pennsylvania is conducting an online survey to quantify the demand of feed availability, and suggested a similar activity could occur in New York. Canton-based FSA Director Glenn Bullock added producers in a D-3 or D-2 drought for eight-weeks are eligible to participate, and said while the program was originally established for hauling water, it was recently expanded to reimburse feed expenses. Bullock added the reimbursement process is initiated by the drought stricken producer, not the seller.
- ii. American Farmland Trust (AFT) Smart Solar Siting Roundtable Discussion. Larson said AFT invited Planning Office staff to participate in a virtual roundtable discussion from 10 am to noon on October 28th. Larson said the event will include a presentation and discussion with farm operators, local government officials and agency representatives about the results of AFT's online survey regarding the siting of large scale solar arrays on farmland in the state.
- iii. Farmer Tax School Series. Larson shared an announcement from Cooperative Extension about upcoming tax management and preparation sessions for farm operators. Larson reviewed the scheduled dates from the fall through the winter months.
- iv. Solar Lease and Development Information Session. Larson said Pfothenauer will attend and guest present at an in-person and virtual information session regarding solar lease agreements and the development process on October 26th from 9:30 am to 1:30 pm at Cooperative Extension's Learning Farm.
- v. Activities to Benefit the Warrior Fund for Claxton Hepburn Winter E. Cancer Center. Margaret Finen said their farm will be hosting a couple of events in October to benefit the Warrior Fund for Claxton Hepburn's Winter E. Cancer Center. Finen said the proceeds are used to cover out of pocket expenses for patients including gas, hotel costs, food vouchers, vitamins and supplements. Activities include a pig roast, and a four-night haunted walk. Larson offered to forward a flyer announcing both events to members of the Board.

vi. Stauffer Farm Virtual Tour. Green and Andrews said Stauffer's farm in Lawrence will host a virtual tour of their farm on October 12th.

C. **Next Meeting Date.** The next Agricultural and Farmland Protection Board meeting will be held on Thursday, December 2, 2021 at 6:00 pm. Larson said a potential agenda item is a presentation about an ArcGIS Storymap created by one of Andy Gilbert's sons.

VII. Adjourn

The meeting adjourned by consensus (Pfothenauer/Greenwood).

Respectfully submitted,

Matilda Larson