

1 PUBLIC HEARING PURSUANT TO
2 SECTION 859-a OF
3 THE GENERAL MUNICIPAL LAW
4

5 Allegany County Industrial Development Agency
6 New York Independence State Route 248 Sollar LLC
7 Town of Independence, Allegany County, New York
8

9
10 HELD ON: February 9, 2021

11 TIME: 10:00 a.m.

12
13 HELD AT: Via conference call, (888) 850-7158
14

15
16 BEFORE: TONIA L. TINKER
17 Court Reporter
18

19
20 APPEARANCES:

21 CRAIG CLARK, Executive Director
22
23
24

1 MR. CLARK: Good morning. My name
2 is Doctor Craig Clark and I'm the
3 executive director to Allegany County
4 IDA in connection with the project,
5 which is the subject of this public
6 hearing.

7 Today I am holding the public
8 hearing to allow citizens to make a
9 statement for the record relating to the
10 involvement of the agency with a project
11 for the benefit of New York Independence
12 State Route 248 Solar LLC, a State of
13 New York limited liability company.

14 The proposed project consists of
15 the following: The acquisition of an
16 interest in an approximately 15-acre
17 portion of an approximately 262-acre
18 parcel of land, tax map number
19 268.1-11.2, located on State Route 248
20 in the town of Independence; the
21 construction on the land of an
22 approximately 1.5 megawatts solar energy
23 generating facility, associated
24 electrical appurtenances and any other

1 required improvements; the acquisition
2 and installation therein and thereon of
3 related fixtures, machinery, equipment
4 and other personal property, all of the
5 foregoing to constitute a solar energy
6 generating facility to be owned and
7 operated by the company; granting of
8 certain financial assistance with
9 respect to the foregoing, including
10 potential exemptions from certain sales
11 and use taxes, real property taxes, real
12 estate transfer taxes and mortgage
13 recording taxes; and the lease or sale
14 of the project facility to the company
15 or such other person as may be
16 designated by the company and agreed
17 upon by the agency.

18 I intend to provide general
19 information on the agency's general
20 authority and public purpose to provide
21 assistance to this proposed project. I
22 will then open the comment period to
23 receive comments from all present who
24 wish to comment on either the proposed

1 project or the financial assistance
2 contemplated by the agency.

3 Before discussing the general
4 information and opening the hearing for
5 public comments, I would like to first
6 describe some details regarding the
7 proposed project.

8 The estimated costs of the proposed
9 project are equal to approximately
10 \$3,780,000 and the estimated benefits
11 being considered are described briefly
12 as follows: Sales tax exemption of
13 \$211,680; mortgage recording tax
14 exemption of \$21,262.50; and real
15 property tax exemptions of \$329,459.11.

16 The provisions of Chapter 1030 of
17 Laws of 1969 of New York, constituting
18 Title I of Article 18-A of the General
19 Municipal Law, Chapter 24 of the
20 Consolidated Laws of New York as
21 amended, and Chapter 99 of the 1973 Laws
22 of the State of New York, as amended,
23 codified as Section 906-a of said
24 General Municipal Law, authorize the

1 agency to promote, develop, encourage
2 and assist in the acquiring,
3 constructing, reconstructing, improving,
4 maintaining and equipping and furnishing
5 of manufacturing, warehousing, research,
6 commercial and industrial facilities,
7 among others.

8 Pursuant to Section 859-a of the
9 General Municipal Law of the State of
10 New York, prior to the agency providing
11 any financial assistance of more than
12 \$100,000 to any project, the agency,
13 among other things, must hold a public
14 hearing pursuant to Section 959-a of the
15 Act with respect to said project.

16 Since the financial assistance to
17 be provided by the agency with respect
18 to the proposed project may exceed
19 \$100,000, then prior to providing any
20 financial assistance, the agency must
21 hold a public hearing.

22 After consideration of the
23 application received from the company,
24 the members of the agency adopted a

1 resolution on January 14, 2021
2 authorizing the executive director of
3 the agency to conduct this public
4 hearing.

5 The executive director of the
6 agency cause noticed of this public
7 hearing to be mailed on January 25, 2021
8 to the chief executive officers of
9 Allegany County, town of Independence
10 and the Whitesville Central School
11 District and published on January 27,
12 2021 in The Spectator.

13 Copies of the notice of this public
14 hearing are available on our website and
15 will not all be read at this time.

16 The comments received today at this
17 public hearing will be presented to the
18 members of the agency at or prior to the
19 meeting at which the members of the
20 agency will consider whether to approve
21 the undertaking of the proposed project.

22 The notice of this public hearing
23 indicated that written comments should
24 be addressed to myself. No written

1 comments have been received by the
2 agency prior to this public hearing.

3 Is anyone from the -- I think, from
4 all of the introductions in the
5 beginning, there is someone from the
6 company. Is there anyone from the
7 company that wants to speak on behalf of
8 the project at this time?

9 If not, I will now open the public
10 hearing at 10:00. What we will do is
11 make sure that everybody has a chance to
12 speak and what I ask is that once you
13 have been recognized to speak, please
14 state your name, address and affiliation
15 for the record if you're making public
16 comment.

17 If you could keep to under three
18 minutes that will be good and I will try
19 to notify you before that three minutes
20 is up. And at end of the public
21 hearing, if you have not spoken, if you
22 want also make sure that you know who is
23 on the phone if you haven't already told
24 us, I would like to have a record of who

1 is on the phone.

2 We will make sure that this session
3 runs at least 15 minutes depending on
4 how many comments we have. So if there
5 are no further comments, I will start
6 the public hearing now. Please let me
7 know if you would like to speak.

8 MR. DECKER: This is David Decker.
9 My question is: You stated that
10 there's, I think, 260 acres, but they
11 are using 15 acres?

12 MR. CLARK: That's correct.

13 MR. DECKER: Does that mean that
14 this will be expanded in the future or
15 can't it be expanded beyond that?

16 MR. CLARK: It would only be --
17 could be expanded if they went through
18 this process again.

19 MR. DECKER: So there is more
20 acreage there for expansion?

21 MR. CLARK: There is more acreage
22 that is available, but at this time it's
23 only the 15 acres that's being
24 considered, yes.

1 MR. DECKER: My last question is:
2 The infrastructure that's being put in
3 now, will that be suffice to let some
4 expansion occur or will the
5 infrastructure have to be changed as
6 well?

7 MR. CLARK: They only build this
8 for that particular sized project that
9 they are putting in.

10 MR. DECKER: Okay. Thank you.

11 MR. CLARK: Yep.

12 Anyone else?

13 MR. ERDMANN: This is Jeff Erdmann,
14 I'm representing the Whitesville Central
15 School District. My question is related
16 to the financials and to the real
17 property tax exemption.

18 Can you explain that so I can
19 understand how that's going to impact
20 our budgeting process for the school?

21 MR. CLARK: Yes. The solar
22 projects we approve. There is no
23 property tax exception on the property
24 itself, it's only on the equipment that

1 comes onto the site and so what will
2 happen is you will end up still getting
3 the full tax benefits and maybe even
4 increase because it will no longer be
5 agricultural land, if so designated, and
6 you will get a benefit of \$2,500 per
7 megawatt, which will be split through
8 the taxing agencies on an annual basis.

9 MR. SPITZER: Did that answer the
10 superintendent's question?

11 MR. ERDMANN: I'm not the
12 superintendent, I'm the board president.

13 MR. SPITZER: My apologies. This
14 is Dan Spitzer. A couple of things to
15 think about from the point of view of
16 the budget that you mentioned, pilots do
17 not go -- are considered funds
18 underneath the tax cap for school
19 districts. So they, in effect, displace
20 other taxable revenues.

21 Assuming that the company hits its
22 schedule for construction this year, you
23 should expect the first payment under
24 the pilot would be received in September

1 of 2022 at the same time that your tax
2 bills would have gone out to them.

3 As Craig mentioned, it will be an
4 increase in taxes paid to the school
5 district and the other entities because
6 of the loss of the agricultural
7 exemption and that's the IDA's aspect of
8 it. In terms of any private
9 arrangements with the company, we have
10 had school districts around the state go
11 to IDAs and ask them to deviate from the
12 IDA by letting the school enter into
13 educational contribution agreements
14 where they get a one-time payment from
15 the company rather than the a pilot over
16 the years for their share of the money.
17 It doesn't effect the other
18 jurisdictions.

19 That is solely between you and the
20 company. If you want to do such an
21 arrangement, I'm happy to assist you
22 working with the company on that, but
23 the IDA is not involved in putting those
24 together. The IDA is required, by law,

1 to split the payments equally among the
2 jurisdictions, which mostly would go the
3 school district, that is a pilot
4 payment, unless there an agreed-upon
5 deviation.

6 Does that help?

7 MR. ERDMANN: That helps. The
8 pilot is based upon the equipment then
9 and not based upon the property tax?

10 MR. CLARK: That's correct.

11 MR. SPITZER: It's based on the
12 maximum generated capacity of the
13 equipment, that's right, not based on
14 the property value.

15 MR. SCOTT: I have a question, Ross
16 Scott here.

17 MR. CLARK: Okay. What is your
18 question, Ross?

19 MR. SCOTT: Is the total amount
20 that tax dollars will be paid to make
21 this project work that \$2,500 per
22 megawatt, or something like that, or is
23 there any other benefits that Renee
24 Solar will receive from the pilot or any

1 other monies from IDA?

2 MR. CLARK: There is no money that
3 we are giving anyone from the IDA. I
4 mean, the only benefits would be the
5 \$2,500 that they pay. Is that what you
6 are asking? There is no cash money
7 involved in this project from the IDA.

8 MR. SPITZER: The IDA doesn't pay
9 cash, Ross. The IDA grants financial
10 benefits in the form of exemptions; so
11 the IDA's real property exemption only
12 applies to the equipment and is netted
13 against the pilot, but the IDA does not
14 pay anybody anything.

15 MR. SCOTT: That clarifies it for
16 me. I probably already knew that, but
17 it's good to get it clear in my mind
18 again. And the total amount of tax
19 dollars that will -- it's actually a
20 cash benefit, I understand, isn't it?
21 In the form of an exemption, but it's
22 money that will be transferred from the
23 state to the various persons to get part
24 of the pilot and that total amount with

1 the per 1.75 megawatts would be \$2,500
2 per megawatt; is that right?

3 MR. SPITZER: Yes.

4 MR. SCOTT: Okay. Thank you.

5 MR. CLARK: Any other questions?

6 MR. SCOTT: Ross has another
7 question. Will these solar panels be
8 variable pitch controlled to follow the
9 sun or are they going to be fixed?

10 MR. CLARK: I believe they are
11 stationary, most of them are stationary.

12 MR. SPITZER: I don't know if
13 anyone from the company is on the phone,
14 but we can relay that question for a
15 valid answer for you at the town
16 hearing. The town handles the zoning
17 aspect of this, not the IDA.

18 MR. CLARK: Right.

19 MR. SPITZER: And the company would
20 -- a lot of people are switching to
21 trackers now. And if there's no one on
22 the phone from that company -- and they
23 may not have even decided yet. That's
24 all handled by the town in terms of

1 approval.

2 MR. SCOTT: Okay. One other
3 question: In case of a power outage,
4 will this -- and if this project is
5 supplying power at the time of the
6 outage, it's on a substation that feeds
7 Whitesville; is that correct?

8 MR. SPITZER: I don't know which
9 substation they are tying into. I
10 assume it's a local substation, but
11 there's several in the area. I I'm not
12 sure which one they're tying into.

13 MR. SCOTT: I think I read that
14 it's called the new Whitesville
15 substation, so my question is: If power
16 is out in the larger region, would this
17 be able to still provide power to
18 Whitesville?

19 MR. SPITZER: Whether or not you
20 get what's known as distributed energy
21 resources, like local solar and local
22 wind farms, able to maintain power
23 within an area when there's a larger
24 blackout is a question that really

1 depends on the way that the utility
2 structures the grid and its network and
3 the way they runs the grid.

4 So the fact, for example, generally
5 generators are shut down when there's a
6 blackout because they don't want people
7 putting power onto the grid that can't
8 go anywhere. It's not safe. There's a
9 balance of power generated to power
10 needed, it flows in generation, as you
11 know from when we spoke on the phone.

12 Whether or not a particular area
13 can be isolated and, sort of, islanded,
14 is the terminology, such that one
15 station can remain operating while other
16 stations on the network go out, I
17 believe is a question that depends on
18 how the utility is set up, how the
19 substation is set up and generally
20 requires that the ability to island be
21 done without the need for the actual
22 grid.

23 It's known as a micro grid or a
24 virtual micro grid where you can, in

1 effect, continue to use the distribution
2 lines or private distribution lines and
3 the blackout doesn't affect you. The
4 best example of that is if the lights go
5 out, but you have a private generator
6 that kicked on and keeps your power on.

7 In terms of the larger grid,
8 whether a particular DER generator can
9 keep the lights on a region, more likely
10 they can help get things started again
11 through their black start capabilities,
12 but unlikely to keep Whitesville going
13 just with the solar facilities that are
14 there unless the whole grid can be
15 islanded in that way.

16 MR. SCOTT: It seems as if we are
17 going to be having more solar farms in
18 the future that there's some way that
19 that could be encouraged by IDA, it
20 could be a benefit. That's the only
21 thing I was thinking.

22 MR. SPITZER: The IDA doesn't
23 generally provide benefits to the
24 utilities and it's the utilities that

1 actually spend the money to do that
2 work. We certainly could support such a
3 thing. There are a number of
4 proceedings currently on the way at the
5 public service commission to address
6 precisely that issue.

7 If you go to more intermittent
8 energy sources like wind and solar, how
9 much back up do you need, how much --
10 how do we deal with our existing fossil
11 fuel networks to diverse them to more
12 sustainable uses.

13 There is a transmission proceeding
14 on the way to look at a lot of the
15 questions that you raised because one of
16 the goals of DER is to eliminate
17 transmission by not needing off-distance
18 transmission lines by helping generation
19 locally.

20 So the IDA can assist the utility
21 or any of the private companies with a
22 merchant project in terms of supporting
23 those things, but, policy wise, you
24 should focus on the public service

1 commission, which is dealing with all of
2 those very issues.

3 MR. SCOTT: Sounds like a good
4 idea. I will take a look at the PSE
5 website on that.

6 MS. REICHMAN: This is Jeri
7 Reichman from the town of Independence.
8 I just contacted Brad Davis here and I
9 think he will be getting on in just a
10 few minutes here if you want to ask him
11 some specific questions.

12 MR. CLARK: Thank you, Jeri.

13 MR. DAVIS: Good morning, this is
14 Brad Davis here.

15 MR. CLARK: Hey, Brad.

16 MR. DAVIS: Hi, good morning.

17 MS. Reichman: I think, Craig, some
18 people had some questions specifically
19 about the project that Brad could
20 answer.

21 MR. DAVIS: Sure, yeah.

22 MR. CLARK: Brad, the one question
23 that came up was whether or not these
24 are stationary or tracking solar arrays.

1 MR. DAVIS: These will, in all
2 likelihood, be single-axis trackers; so
3 they will just track in one direction.
4 They won't be dual access where they go
5 north, south, east and west.

6 MR. CLARK: Okay. The other
7 question is which substation you were
8 hooking into.

9 MR. DAVIS: Let's see here. I can
10 find that, that's not a problem.

11 MR. CLARK: Sure.

12 MR. DAVIS: I don't know off the
13 top of my head.

14 MR. CLARK: I understand. You are
15 doing a lot of projects.

16 MR. DAVIS: Of course. Just bear
17 with me for a second.

18 MR. CLARK: And while you are
19 looking, the other question, which Dan
20 Spitzer, pretty much, answered, is
21 whether or not you could use this solar
22 array if there was actually a blackout
23 or a power outage to supply power to
24 Whitesville?

1 MR. DAVIS: No, I don't believe
2 that's possible in this circumstance.

3 MR. CLARK: That's what we kind of
4 thought, but Dan went through a long
5 explanation of how that may or may not
6 work.

7 MR. DAVIS: To get back to your
8 other question, I think it's the new
9 Whitesville substation.

10 MR. CLARK: Okay.

11 MR. DAVIS: Does that sound right?

12 MR. CLARK: Yeah, we thought that's
13 what it was.

14 MR. SCOTT: Now, is the substation
15 that's, pretty much, at the corner of
16 Casey Road and County Route 22, is that
17 the new Whitesville substation?

18 MR. DAVIS: Yes.

19 MS. Reichman: I believe so.

20 MR. DAVIS: I believe it's only
21 maybe a few hundred yards from the site
22 and just a little bit east. Yeah, right
23 at the corner there.

24 MR. ROSS: And that substation is

1 adjacent to another proposed solar farm,
2 the OYA solar farm, and I don't know if
3 there's anybody on this call that can
4 answer the question, but it surprised me
5 that the OYA solar farm, which is
6 physically adjacent to this substation,
7 does not connects to it. Any
8 explanation to that?

9 MR. CLARK: No, they are not on the
10 phone and there is no explanation I know
11 of.

12 MR. SPITZER: Brad can probably
13 give you an understanding of the basic
14 process. The utilities and the New York
15 ISO do something called an
16 interconnection study and it has to do
17 with, in effect, literally how much
18 space is left in the pipe, if you will,
19 how many electrons can be put in. But
20 it's also a first-come-first-service
21 system in terms of who gets that space.

22 So depending on when Brad made his
23 application, he may have taken up most
24 of the remaining space, it may have to

1 do with improvements that the utility is
2 making at the other substation and in
3 terms of Brad's answer to that.

4 Basically, the interconnection
5 study by the utility is the key part of
6 figuring out where and how you can
7 connect to the grid regardless of the
8 placement of the actual resource.

9 We are working one project in
10 Broome County that's actually hooking in
11 two counties over. It's a very large
12 project, but that's where the ability to
13 hook in is.

14 MR. ROSS: And I think I had, at
15 one point, looked for an interconnection
16 study, maybe having to do with the OYA
17 project come to think of it, but you
18 can't -- a citizen looking on the net
19 can't find that very easily I don't
20 think. I don't think I was able to find
21 anything.

22 I wonder if that's something that
23 IDA could in the future make a
24 requirement to be made public.

1 MR. SPITZER: The cost study?
2 That's generally proprietary
3 information.

4 MR. ROSS: Interconnection study
5 that would show --

6 MR. SPITZER: I mean, that has
7 nothing to do with the IDA benefits at
8 all and it's not something the IDA
9 looked at and it's sent to the SEQOR in
10 terms of the physical impact.

11 It's a state law requirement and I
12 don't think that you are actually
13 allowed to do that. There's a content
14 in the law that was added after 9/11
15 know as critical impact infrastructure,
16 CII, and you, basically, have to go
17 through a security clearance even to
18 look at a utility's power plant these
19 days.

20 There's a proceeding that is going
21 on in Long Island involving a cable from
22 an offshore wind farm and if you look in
23 there you'll see there's a number of
24 rulings where apartments were trying to

1 get the Long Island power outage to show
2 them substation details and other
3 details of the use or connection and the
4 public service commission judge refused
5 to grant it and it was upheld because of
6 the CII requirement.

7 And Brad, if you to add to that,
8 but I don't think the IDA would have the
9 ability to do that, I don't think the
10 town would have the ability to do that.

11 And, in fact, I don't think legally
12 you could do that because virtually
13 every hack that's gone on in a utility
14 in this country actually came in through
15 a contractor rather than through the
16 utility. And it's a massive problem and
17 I just don't think that information can
18 be made public; so I don't want to
19 mislead you in terms of your request
20 because it's beyond the IDA's ability or
21 the town's ability to grant.

22 Brad, do you want to add anything
23 or did I miss anything?

24 MR. DAVIS: And I'm sorry that I

1 don't know the names of the people
2 speaking, but the gentleman you just
3 referred to me, you did an excellent job
4 explaining how we come to understand
5 whether it's capacity or not.

6 Maybe I can take it one step
7 further and elaborate a little bit more
8 and produce some clarity for whoever is
9 asking the question.

10 So as far as, you know, the
11 question was how do we determine if
12 there's capacity in a various
13 substation? And are you right, this is
14 all very proprietary information, but
15 what there is out there as far as, you
16 know, for our purposes as solar
17 developers, there are host capacity maps
18 and all of the utilities in the state
19 have, you know, their own version of
20 host capacity maps.

21 And National Grid, which is what
22 this substation belongs to, they
23 actually have an excellent database of
24 information that's publically available.

1 Some of the other ones that I have
2 worked with are not quite as thorough
3 and the information isn't updated quite
4 as frequently.

5 So what we can do is look at
6 various substations and see if there's a
7 whole host of different criteria that we
8 look at for the land to see if it's from
9 agricultural, wetlands, landfill. I
10 mean, there's literally dozens of
11 criteria that we evaluate and also the
12 substation capacity is one of them.

13 So assuming that, you know, we can
14 check all or most of the boxes, then we
15 can do what's called a prescreen. So we
16 submit a proposal to national grid based
17 on the size of the capacity that we
18 think is there because there's -- I put
19 the caveat there of "we think" because
20 this information isn't always up to
21 date, up to the minute when we go for
22 our prescreen request.

23 So National Grid will take our
24 requests to pay a few thousand dollars,

1 I think it's \$3,000 for them to go
2 through and do their various capacity
3 checks. And then, a month later they
4 will come back with a prescreen study
5 and we'll go through that with them
6 through a video phone call where we can
7 look the interconnection maps and see
8 what is what.

9 If we get positive feedback, then
10 we will go to the next study, which is
11 called a CESIR study. It's coordinated
12 electric system interconnect review, so
13 it's a much more in-depth evaluation of
14 our proposal.

15 So we have to have a three-line
16 diagram or a single-line diagram, we
17 have a full site plan, layouts, specs of
18 the solar panels, specs of the inverters
19 and a whole host of other documents that
20 the utility requires and this study is
21 quite a bit more expensive, it's
22 generally \$10,000 to \$15,000 and takes
23 60 to 90 business days, so a much more
24 thorough evaluation.

1 After that, we will receive an
2 interconnection study and that will be
3 with a cost associated with doing the
4 project. So the ones we got for this
5 one in Independence, it's about \$700,000
6 interconnection fee.

7 We take that back, we take the
8 feedback that we have been given and we
9 determine if this is something we want
10 to move ahead with. We have to look at
11 obviously, you know, the final
12 implications and then we will determine,
13 you know, a yay or nay.

14 Then, we will go to the next stage,
15 which is the permit stage with the
16 municipality, the town, the county,
17 whoever happens to be the jurisdiction
18 with authority. And then, we,
19 basically, get to the place we are at
20 right now with Allegany County and the
21 town of independence where everything is
22 being reviewed.

23 Hopefully that long-winded
24 explanation clarifies something.

1 MR. ROSS: That was great. It
2 leads me to ask: Do you happen to know
3 how you got to connect to the new
4 Whitesville substation whereas OYA solar
5 has to pump its juice all the way to and
6 Andover, about seven miles a way, to a
7 substation down there?

8 MR. DAVIS: I don't know the
9 answer, but I can speculate. I'm happy
10 to do so. I don't know the timing of
11 when OYA applied for interconnection,
12 but they may have looked at this
13 substation that you say is right across
14 the street from their site and realized
15 that there's not enough, basically,
16 capacity at this location to do the size
17 of the project they want to do.

18 It's my understanding that their
19 project is 7 megawatts DC and ours is
20 only 1.75. Ours is a third of the size
21 of the project and maybe they determined
22 that, you know, financially it's better
23 to build a much larger project and
24 connect at this other substation that

1 has more capacity and presumably it's
2 going to be a much higher connection
3 cost when you evaluate, you know, the
4 economies of scale when you're doing a
5 project that size.

6 If their interconnection cost is
7 two or three times the size of ours,
8 then maybe that impacted them
9 financially.

10 Like I said, I can only speculate.
11 I don't know. For our purposes, you may
12 or may not know the family who owns it,
13 but this is a sizeable parcel, I should
14 say, 260 acres and we are only using,
15 you know, a fraction of a fraction of
16 that for this project. And I know
17 typically we have to looked at -- you
18 know, they would've tried to maximize
19 the size of their project because that
20 maximizes the financial benefits, but we
21 looked at it and said, "Okay. The most
22 we do at this substation is 1.75
23 megawatts, so that's what we will do."
24 And that's made sense to us and that's

1 what we decided to proceed with. Not
2 everybody in this solar game thinks that
3 way. If they can't do the max deal,
4 they don't want any deal.

5 MR. SPITZER: This is Dan Spitzer
6 from the IDA. Jeri, as I recall, this
7 actually came up at one of your
8 meetings. OYA is actually doing three
9 projects of 21 megawatts DC total and
10 the lack of capacity at the new
11 Whitesville was vastly the reason they
12 were going to Andover, not because they
13 had great desire of building a
14 seven-mile long cable, but --

15 MS. Reichman: Yes.

16 MR. SPITZER: Thanks, Jeri.

17 MS. Reichman: Yes, that's exactly
18 right. And I should say that Brad will
19 also be at our public hearing in the
20 town Independence at 6:30 on Thursday
21 via Zoom.

22 So if there are any other
23 questions, the link is on our website
24 and the town of Independence Facebook

1 page.

2 MR. CLARK: Thank you, Jeri.

3 MR. DAVIS: I will be on Zoom and
4 we'll also have a caller there in person
5 as well as our environmental consultant
6 CNS Engineering, he will be there in
7 person as well. We will be able to have
8 a lot of thorough conversations about
9 this this week.

10 MS. Reichman: Perfect.

11 MR. ROSS: Just to wrap up on the
12 15 acres out of the 260, that is based
13 on the capacity of the substation,
14 right, not on some desire of the farmer
15 to want to farm more of his property?

16 MR. DAVIS: Well, it could have
17 been a little of both, to be honest.
18 Sorry, I don't know your name.

19 MR. CLARK: It's Ross.

20 MR. DAVIS: Ross. Thanks, Ross.
21 So I wasn't involved in this project in
22 the beginning. This project has been
23 under development for about four years
24 now and so I got involved in this

1 project about two years ago; so I don't
2 know the entire history about those
3 early stage discussions with the
4 landowner, but my understanding is that
5 if we were able to do a bigger project,
6 they would have been happy to do a
7 bigger project.

8 They own not just this parcel of
9 land, but they are commercial farmers
10 and they own quite a few parcels of
11 farmland across western, southwestern
12 New York and actually live just across
13 the Pennsylvania state line there and
14 they own farms down there as well. So
15 this was just another means for revenue
16 for their operations.

17 MR. CLARK: Thank you, Brad. Are
18 there any other questions from anybody
19 else at this time? I want to make sure
20 everybody has a chance to ask questions,
21 although the technical discussion is
22 very interesting.

23 Before we go too much further, if
24 someone is not going to ask a question,

1 I would like to make sure that we can at
2 least record who is on this meeting, so
3 if you can let us know who is on the
4 meeting who has not talked at this time
5 so we can make sure we record everybody.
6 If you could do that now, I'd appreciate
7 it.

8 MS. DUTTON: Cindy Dutton, Cuba
9 Patriot. I'm not saying anything. It's
10 hard to understand, but I'm listening.

11 MR. CLARK: Thank you, Cindy.

12 MR. POTTER: Chris Potter, I'm here
13 as well.

14 MR. CLARK: Chris Potter, okay,
15 from the Hornell paper.

16 MR. POTTER: Yep.

17 MR. BARNES: Gary Barnes.

18 MR. CLARK: Anyone else?

19 MS. EMERY: This is Tammy Emery,
20 I'm curious, is this a 15-year pilot?

21 MR. CLARK: Yes, that's the
22 proposal.

23 MS. EMERY: Okay. Thank you.

24 MS. HOPKINS: Judy Hopkins,

1 legislator.

2 MS. Reichman: Jeri Reichman, town
3 of independence.

4 MR. CLARK: Thank you, Jeri.

5 MR. RICCI: John Ricci, Cuba.

6 MR. DECKER: Dave Decker, Cuba.

7 MR. ERDMANN: This is Jeff Erdmann
8 and I'm the president of the school
9 board of the Whitesville Central School
10 District.

11 MR. CLARK: Do we have everyone?

12 MR. HOWE: Casey how, Whitesville.

13 MR. CLARK: Thank you.

14 MR. SCOTT: I guess you got me,
15 Ross Scott.

16 MR. CLARK: Right. Gotcha, Ross.

17 And Dan Spitzer was answering a
18 lots of questions. He's our lawyer on
19 the project. He's with Hodgson Russ.

20 Anything else someone would like to
21 add at this time? If not, we have had a
22 good technical discussion. I think we
23 answered some other questions.

24 Brad, I appreciate you being on

1 here. If there are no further comments,
2 I would propose we close the public
3 hearing unless there's an objection to
4 that.

5 MS. HOPKINS: I'm good. Thank you,
6 Craig.

7 MR. CLARK: We will close the
8 public hearing at 10:39. Thank you for
9 all of your time this morning.
10 Appreciate it.

11 (Hearing concluded.)

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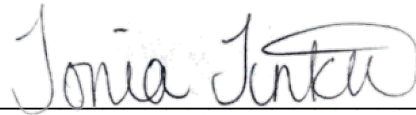
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CERTIFICATION:

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the above cause and that this is a correct transcript of the same to the best of my ability.



TONIA L. TINKER