

Town of Canton
Public Hearing/Regular Board Meeting
Wednesday, August 9, 2023
In Person and Video Conferencing
Minutes

Present:

| | | |
|-----------------|------|-----------------|
| Mary Ann Ashley | ---- | Town Supervisor |
| Jim Smith | ---- | Council Member |
| John Taillon | ---- | Council Member |
| Bob Santamoor | ---- | Council Member |
| Randy Brown | ---- | Council Member |

Also Present: Town Clerk Heidi L. Smith, Deputy Town Clerk Tasha Streit, Assessor Cindy Brand, Highway Superintendent Steven Smith, Historian Linda Casserly, Attorney Eric Gustafson, Angela Gray CPA, Justice Rachelle Foster, Justice Michael Morgan, Marc Armstrong

Absent: Code Officer Mike McQuade, Recreation Director Meghan Richardson, Economic Developer Leigh Rodrieguez

Public Attendance: Paul Mitchell North Country This Week, Tom Graser Watertown Daily Times, Lynn Soulia, Marget Mauch, Leslie Clark, Barbara Lee, Liza Schepps-Nexamp, Lucy Grindon

Zoom Attendance: Solar Attorney Bill Buchan, John Casserly, Michael Iversen, Confidential Secretary/Bookkeeper Shelby Bacon, Toby Irven, Deb Bridges

Public Hearing:

Notice is hereby given that the Town Board of the Town of Canton will hold a Public Hearing for the purpose of considering a local law regulating all Anaerobic Digester development in the Town of Canton, County of St. Lawrence, and State of New York.

Supervisor Ashley read the public notice out loud and called the Public Hearing to order at 5:45 P.M.

Attorney Eric Gustafson stated the classic definition of Anaerobic Digester is the process of a facility which converts livestock, culture manure and other feed stocks into biogas. This is a process of micro-organisms breaking down biodegradable material into biogas. This can be used like natural gas. The way the local law works is that it breaks down the digesters into small vs large digesters. The small digesters have a defined characteristic that is designed primarily for creating power for on site use. They use the feedstock primarily from their own facility. Whereas a large digester is primarily creating gas for utility grade processes and taking manure from more than one farm. The way the local law is structured is that the small digesters have a less formal process where permits can be issued by the Code Enforcement Officer as long as the applicant compliance with the requirements of the Local Law. Large Digesters are patterned more on the

solar farm local law where they need to go for site plan approval, comprehensive engineering reports and details, specified decommissioning plan, with the decommissioning fund, community benefit and road use agreements. They are required to place a deposit with Town for engineering and legal expenses for reviewing the plan.

The Town has taken the position that they want to provide certainty and protection for the residents of the Town of Canton but not discourage the developers.

Supervisor Ashley opened the Public Hearing for Public Comment.

Lynn Soulia – Riverside Dr., Canton

Lynn is concerned that this will produce an odor and has concerns about the location of the digesters.

Council Member Jim Smith responded that the odor will not be much different than driving by a large-scale farm today. Smith also stated that this is regulated by Ag & Market and DEC.

A motion was made by Council Member Jim Smith and seconded by Council Member Bob Santamoor to close the public hearing at 6:00 PM.

All in favor. Motion carried.

A. Call Meeting to Order/Welcome

Supervisor Ashley called the regular meeting to order at 6:01 PM.

Ashley added to the agenda under **Old Business #4. 64 Main Street** and under **New Business #9. SEQRA Review Full Environmental Review Part 1, 2, & 3.**

Ashley recognized Dave Regan for his 21 years of service with the Village of Canton. Dave will be greatly missed. Dave took care of the municipal needs.

B. Public Comment

Barbara Lee – Judson St., Canton

Barbara submitted an email to the board prior to the meeting. Barbara thanked the board for all their work on the solar law that was created in 2001. Barbara went on record stating the Town needs to hold developers to the utmost accountability regarding all aspects of our Community Solar Project. Especially because of the Chaumont Solar Fire. Barbara thinks it would be beneficial to the community to have another article in the paper from the Town with an explanation of the solar law. Barbara has a specific concern with the solar law part 9A. Special Use Permit Standards for Tier 1 and Tier 2 BESS, specifically Downwind from Residential Areas. Barbara asked that the board read her email and the questions in it be addressed in a news article.

Leslie Clark – Meade Rd, Canton

Leslie commented on the physics on the sounds of No Dogs Left Behind (NDLB). There is a physics reason why Leslie and her family have heard the noises from NDLB so loudly and clearly over the months. It is not because we think differently about it. It is because it is physics. Leslie sent a letter to Ian McKellar and the Town Planning Board. Leslie read the letter out loud: As you and the planning board are aware, the noise of barking dogs kept at the No Dogs Left Behind Inc has been very challenging at times, sometimes to the point of it invading my home and that of my neighbor, Ruta Ozols. Over the past month or so the barking dog noise has decreased during the evening and nighttime hours, and that is appreciated by our families. It appears to be when the dogs are outside in the fenced area, that the noise is extremely loud and piercing. Even a few dogs cause very loud noise, and sometimes 15 to 20 dogs are outside in the fenced area. The noise can become overwhelming and greatly inhibits our enjoyment of our properties.

To bring science to bear on this serious noise pollution, Ruta Ozols and I asked Dr. Brian Watson to meet with us and offer a physics explanation for this issue. The following is what he determined: "My name is Brian Watson. I hold a PhD in physics from Rutgers University and I taught physics at St. Lawrence University for 33 years. On July 27, 2023 I visited the homes of Leslie Clark (411 Meade Rd) and Ruta Ozols (405 Meade Rd) where I was asked to evaluate an issue concerning the barking noise from the nearby *No Dogs Left Behind* dog rescue (1734 NY-68). The problem was that the families of Leslie and Ruta are being very disturbed by the noise from the kennel while their neighbors further down Meade Road asserted that they could not hear the barking noise. These neighbors could not understand how Leslie and Ruta could possibly be annoyed by the barking noise. How could this be? The Clark and Ozols homes sit atop a prominent hill. From their properties the kennel is easily visible. It is in a direct line of sight. While the outdoor portion of the kennel appears to be surrounded by a wooden fence of about 6 or 7 feet tall, the fence is not high enough to provide a sound barrier. The neighbors' houses are not on the summit of the hill but are tucked close behind a curving ridge of land. These houses are not visible from the hilltop. And so, the discrepancy is easily explained. The neighbors' houses are in a "sound shadow" from the barking noise, while Leslie and Ruta are in the direct path of the sound. What could be done to reduce the noise level? A fence of about 6 or 7 feet is not high enough to shield sound waves, which simply diffract around the top edge. A much taller fence made of sound absorbing material, possibly angled inward at the top, would do much to solve the problem. The details would have to be worked out by a sound engineer. Recall the line from Robert Frost's poem *Mending Wall*: "Good fences make good neighbors". If there are questions, I can be reached at 315-386-2864 or bwatson@stlawu.edu."

Leslie stated she hopes we go forward with this, and you know, as someone said to me the noise issue will probably continue because when dogs are outside it's like they are right here because of the physics. Leslie thinks we need to continue to work, as I say, we, I am happy to work with anybody to do what we can to really mitigate that noise with 15 to 20 dogs outside. Leslie thanked the board for their continued work on this.

Margaret Mauch – Janes Rd, Canton

Margaret has a petition that was presented to the Town Planning Board on Monday. This is not an oppositional petition. Margaret presented a petition of over 100 signatures of people who support the concerns addressed in the Land Use document that was sent to the boards on July 5, 2023. These people agree that the concerns need to be addressed before a permit is issued. People who signed the petition are concerned citizens of the Town of Canton and of St. Lawrence County. These county-wide concerns affect the local veterinary clinics, rescues, volunteers, fosters, adopters, emergency personnel, as well as social media representation of Canton and our area. This is part of the democratic process that community members be heard. Over 100 citizens have taken the time to voice their concerns to you by signing this petition, among them board members of the Potsdam Humane Society. This process of sharing, contacting others and attending meetings has given us and other members of the public the opportunity to participate in local affairs in a positive way. Margaret presented a copy of the petition to the board.

Margaret also stated in the application that was presented to the Planning Board, the latest application for NDLB, under site plan application notes it is stated under community connections, current agreements/contracts with SUNY Canton to provide animals for their facilities to use with students, volunteer, and internship opportunities. Margaret has a letter from Shawn Miller, Vice Present of Administration, Records Assess Officer dated March 8th addressed to Jeffrey, to ensure animals' health and safety. "Please accept this letter as a 30-day notice to formally terminate the agreement between SUNY Canton Spring 2023 Veterinary Science Technology and No Dogs Left Behind. If you have questions contact Wendy Kuceyeski, DVM Program Director for the Veterinary Science Technology Department at SUNY Canton."

Margaret commented on Dan Moyer's Dog Warden report on 7/13. Investigated a dog bite on Rt 68. One of the dogs at Jeffrey Beri's NDLB residents bit a spectrum worker. He was told by Public Health to quarantine all dogs in the building for 10 days as precaution. Margaret thanked the board for listening.

See attached petition.

C. County Legislator Representative(s) Update(s)

A report was submitted to the Supervisor and Town Clerk from County Legislator Ben Hull. The report was sent to the board members prior to the monthly meeting and put in the public packet for review.

D. Approval of Minutes

A motion was made by Council Member Bob Santamoor and seconded by Council Member John Taillon to accept the July 12, 2023, Regular Meeting minutes. All in favor. Motion carried.

E. Correspondence

1. Excellus Medicare Proposed Rate Change-Increase of 15%

A notice was received from Excellus, the Town's Health Care Provider. Indicating they are recommending for the Medicare supplement plans C and D to increase by 15%. Last month it was mentioned the active plan is recommended at a 9.7% increase.

2. NYS Town Clerks Association-Town Clerk Heidi L. Smith voted in as a District Director for the NYS Town Clerks Association

The Supervisor received a letter from the NYS Town Clerks Association Secretary advising the board that Town Clerk Heidi Smith has been voted in by her as a District Director, District 9 for the New York Town Clerks Association. Smith's term will run until June 30, 2024. Supervisor Ashley congratulated Heidi.

F. Town Finances Reports

Angela Gray, CPA gave a financial summary for the Town finances.

Supervisor Ashley added that the Town received the third quarter sales tax in the amount of \$288,085.66. Which is an increase of \$18,877.83 from last year's third quarter sales tax.

Angela Gray, CPA gave the financial report for the Town Clerks Office. Angela pointed out the Clerk's office took in a lot of money for the month because Solar Permit Fees were collected.

G. Audit Committee

| | | |
|-----------------------|------|-------------|
| "A" General Fund | ---- | \$76,628.18 |
| "B" Town Outside Fund | ---- | \$2,359.85 |
| "DA" Townwide Highway | ---- | \$14,371.59 |
| "DB" Town Highway | ---- | \$4,652.81 |
| "SF" Special Fire | ---- | \$9,177.66 |
| "SL" Special Lighting | ---- | \$279.48 |
| "T&A" Trust & Agency | ---- | \$22,549.17 |

A motion was made by Council Member Bob Santamoor and seconded by Supervisor Mary Ann Ashley to accept August expenditures.
All in favor. Motion carried.

H. Acceptance of Department Reports

Town Clerk

Clerk Smith added to her report two bids were received to add more security in the clerk's office. Three contractors came and took measurements for the project. Only two came back with bids. The three companies that came were Sparks, Colton Glass, and North Glass. Colton Glass and Northern Glass were the two that came back with a bid.

Colton Glass = \$9,210.00 and Northern Glass = \$10,620.00. The bids were given to the board members prior to the monthly meeting to review.

Smith reported that both she and Code Officer Mike McQuade met with General Code to discuss the Town Code book possibly being updated through them. Smith reported that when she met with them, she sat through a webinar on the back end of the E-Code program. When McQuade met with them it was more about when the last time the Code Book was updated and the cost to have it updated. Both McQuade and Smith think it is in the Town's best interest to go in this direction. The Code Book has not been updated in quite some time and it needs to be done.

Supervisor Ashley added the town needs this upgrade. It would cost roughly \$13,000-\$14,000 to codify the code book.

Historian

Historian Casserly reported that the office is constantly busy. Families are coming in and making donations. Casserly is going to be hosting a birthday celebration for Bill Rood celebrating 91 years. Bill is a lifelong resident and a retired police officer. All are encouraged to attend and celebrate and honor Bill's many years of service to the Canton community.

Assessor

Assessor Brand reported the State will be issuing the Star Credit this month. The Enhanced Star will be at \$70,000 and the Basic Star will be at \$25,600. The County's Foreclosure Auction will start September 9th. Brand also brought up the volunteer fire exemption.

Supervisor asked what fire exemption this there now?

Brand responded the current fire exemption is good until 2025. The board has until 2025 to put the new exemption in place.

Highway Superintendent

Highway Superintendent Smith reported that paving has been completed with roughly 6.2 miles. New hire, Ethan Ellison started Monday and is doing well, catching on quickly and asking questions.

Smith asked the board to consider petitioning the County and State to extend the 30 mph on State Rd from the school to the St. Hwy 310. There is a lot of foot traffic, pedestrians, golf course, nursing home, bus garage, etc on this road. Smith feels this is a big safety issue.

A motion was made by Council Member Jim Smith and seconded by Council Member Bob Santamoor requesting a speed investigation, speed reduction. The request will go to

the County Highway and the County will then send it to the State. The State will do an investigation and report their findings to the County Highway and the County will report back to the Town Board.

All in favor. Motion carried.

All reports were submitted to the board prior to the meeting except the Economic Development report.

A motion was made by Council Member John Taillon and seconded by Council Member Randy Brown to accept the department reports that were submitted.

All in favor. Motion carried.

I. Committee Reports

Sustainability Committee:

Bob reported that the committee met and talked about the compost issue. The alternative is to contact Casella Waste and ask if they will donate some wheels to the Sustainability Committee. Corey will then take the compost to his farm. The committee thinks it is a viable alternative. The committee also discussed having wheels at the farmers market, in the park and allow people to drop their compost off and Corey would pick it up. This is all volunteer.

Solar Committee:

Jim reported that after the fire in Chaumont he contacted Solar Attorney Bill Buchan and stated a letter should be directed to EDF asking questions about the fire. Bill drafted a letter and sent it to the board members and the local fire departments to review and allow for comments. Bill sent the letter to EDF with questions and concerns.

Bill reported that a response was received from Jonathan and Jack with EDF. The most important part of their response was that the fire that occurred in Chaumont was not an EDF project. Bill stated that nevertheless battery components in that project are the same as those in the Rich Road Solar Project. Bill's comments remain the same, we are concerned and would like to hear more from EDF about the technology they are proposing. Bill submitted the letter to the ORES website for people to view.

See attached letter.

Highway Committee:

Jim reported that the committee helped with the Highway interviews for the new hire. The committee also met to look at the bids for Stiles Ave and because there is a contract involved it needs to be discussed in executive session.

Economic Development:

Randy reported that the committee had a discussion on the Chamber of Commerce merger.

Joint Building Committee:

Mary Ann reported there will be a meeting on Monday to continue the conversation on the demolition of the McDonalds property.

Communication and Technology Committee:

John reported that Clerk Smith included everything in her report.

J. Old Business

1. Housing Fund

Council Member Santamoor reported that he reached out to DANC because they usually handle those kinds of funds. DANC reached out to the Jefferson County Planning office. They cannot find any record of these funds. Santamoor's concern was that he didn't want to worry about spending funds that needed to be paid back. Santamoor stated at this point he doesn't see any reason to say it is restricted.

A motion was made by Supervisor Mary Ann Ashley and seconded by Council Member Bob Santamoor to transfer the \$46,939.46 into a different account and utilize the funds to cover the initial cost for the Miner Street Project.
All in favor. Motion carried.

2. 2023 Budget Amendment-Miner Street Road Project-\$355,700-JE Sheenan Contracting Inc.

This will be brought back for a formal resolution to amend the budget to cover the project cost once the contract is finalized.

3. St. Lawrence Health Initiative Sun Policy

Supervisor Ashley and Council Member Taillon worked on a Sun Policy that is to promote how to take care of yourself to prevent sun cancer.

Council Member Taillon added that there are no mandates in the policy, they are recommendations.

A motion was made by Council Member Randy Brown and seconded by Council Member Jim Smith to pass the Sun Prevention Policy.
All in favor. Motion carried.

4. 64 Main Street

Supervisor Ashley reported that there were three bids for the demolition of McDonalds. MJ Contracting = \$75,800, A.A.C Contracting = \$91,140, and Jeda Environmental Services = \$64,260. This will be on the agenda for the Joint Building

Committee meeting scheduled for Monday.

Council Member Smith and Taillon would like to have a discussion on all the possibilities of use of the building. Is there an option to repurpose the building for additional space. Council Member Smith would like to have someone come in and say that the building is in a state of disrepair before agreeing on tearing it down.

K. New Business

1. EDF/Rich Road Solar Project Battery Storage

Supervisor Ashley stated on behalf of the Town, Bill Buchan sent a letter to EDF with questions and concerns. The board is paying close attention.

2. Nexamp Solar Escrow Agreements

Supervisor Ashley reported there is another solar project making this #9, Nexamp, on Route 310.

Bill Buchan reported that Nexamp was at the Town Planning Board Meeting. They have two projects. One of them is interconnected and is ready to go. The other is waiting for National Grids approval for interconnection. It would be a total of 10 megawatts, two separate projects

A motion was made by Council Member Bob Santamoor and seconded by Council Member Jim Smith to pass a resolution authorizing the Supervisor to enter into two escrow agreements with the developer Nexamp Solar, LLC for each of the proposed community solar projects.

All in favor. Motion carried.

See attached Resolution.

3. Highway Motor Equipment Operator Appointment

Ethan Ellison was appointed as the Highway Motor Equipment Operator. Ethan started August 8, 2023, with a starting rate of \$26.31 per hour.

4. Volunteer Firefighter and Volunteer Ambulance Worker Tax Exemption

The board is in consensus to move forward with the Volunteer Firefighter and Volunteer Ambulance Worker Tax Exemption. The board needs to decide what % of their assessment is tax exempt. It can be anywhere between 1-10%. This needs to be decided by 2025.

5. Board of Assessment Review Appointment

A motion was made by Council Member Bob Santamoor and seconded by Council Member Randy Brown to appoint Maureen Bomyea for a 5-year term (10/1/2023-9/30/2028) on the Board of Assessment Review.

All in favor. Motion carried.

6. E-Code Program

This item was discussed during the Town Clerk report.

7. Town Court Construction Bids Notice

Legal Notice was sent out to have a closet in the court room turned into a meeting room for attorneys. Bids are due by September 30, 2023.

8. Tax Cap Override Law

The general consensus is to pass a local law to override the tax cap. This is done every year. Passing this local law does not necessarily mean it will be used.

9. SEQRA Review Full Environmental Part 1, 2, & 3

Eric Gustafson stated that there is language in SEQRA, one in particular being the Type 2 regulations, that this could arguably be a Type 2 because it deals with agricultural practices. Gustafson went over Part 1, 2 & 3 of the SEQRA review. Part 1 section 3 needs to be amended to reflect there is a waterfront revitalization. Part 2-18 needs to be amended, checking box, no. After the SEQRA review it is determined there is no negative impact.

A motion was made by Council Member Bob Santamoor and seconded by Council Member Randy Brown to pass a resolution that the adoption of the Town of Canton Anaerobic Digester Local Law will not cause any significant adverse environmental impact and that a Negative Declaration is hereby issued with regard to the adoption of the Anaerobic Digester Local Law.

All in favor. Motion carried.

See attached Resolution

A motion was made by Council Member Jim Smith and Council Member Bob Santamoor to approve the Town of Canton Anaerobic Digester Local Law.

All in favor. Motion carried.

See attached Local Law

L. Public Comment

Margaret Mauch – Janes Rd, Canton

Margaret stated that No Dogs Left Behind Inc., is still operating without a permit. Today makes 161 days in violation of the Town Zoning Code figured from March 1st. Margaret is wondering why in Mike McQuade's reports there is no mention of No Dogs Left Behind when he reports that there are other permits in violation but haven't been addressed yet.

Lynn Soulia – Riverside Dr, Canton

Lynn added on to Steven Smith's request to lower the speed limit on State Road. Lynn would like to have it taken into consideration to have a sign, light or marker on 310 indicating that there is a road there. There are no markers or anything to indicate that there is a road. It is especially difficult to see at nighttime.

Executive Session: Upon a majority vote upon a motion that identifies the subject to be considered, the Council may conduct an executive session to discuss and of the issues identified as proper by Public Officer Law 105(1)

A motion was made by Supervisor Mary Ann Ashley and seconded by Council Member Randy Brown to go into executive session for the purpose of [F] matters pertaining to the employment of a particular person and [D] discussions regarding pending litigation at 7:33 PM.
All in favor. Motion carried.

Justice Michael Morgan and Justice Rachelle Foster requested to go into executive session.

The Justices left executive session at 8:15 PM.

A motion was made by Supervisor Mary Ann Ashley and seconded by Council Member Bob Santamoor to come out of executive session at 9:20 PM.
All in favor. Motion carried.

A motion was made by Council Member Bob Santamoor and seconded by Council Member Randy Brown to adjourn the regular meeting at 9:21 PM.
All in favor. Motion carried.

Respectfully submitted,



Heidi L. Smith
Town Clerk

TOWN OF CANTON

August 9, 2023

Resolution # 26

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF CANTON
AUTHORIZING THE SUPERVISOR TO EXECUTE TWO (2) ESCROW
AGREEMENTS WITH NEXAMP SOLAR, LLC FOR COMMUNITY SOLAR
PROJECTS LOCATED IN THE TOWN OF CANTON**

WHEREAS, The Town of Canton ("Town") passed Local Law # 3 of 2019 regulating development of solar energy facilities within the Town ("Solar Law"), which created a requirement that each developer enter into an escrow agreement (the "Agreement") to reimburse the Town for costs associated with engineering and legal review of the proposed projects by the Town Planning Board; and

WHEREAS, the Town through its legal counsel has negotiated two separate agreements with the developer Nexamp Solar, LLC ("Nexamp") for each of the proposed community solar projects of approximately 5 megawatts each, with each escrow agreement providing for the deposit of Seventy-Four Thousand Twenty One and 39/100 Dollars (\$74,021.39) into two separate non-interest bearing escrow accounts to be created by the Town Supervisor for a total deposit amount of \$148,042.78 for both projects; and

WHEREAS, the escrow funds will be managed by the Town Supervisor pursuant to the terms and conditions of a separate escrow agreement for each of the two projects.

NOW THEREFORE, IT IS RESOLVED that the Supervisor is authorized and directed to enter into two escrow agreements, in the same form as is on file with the Town Clerk, and to hold in escrow those funds provided by Nexamp for the purpose of reimbursing the Town for the services of legal and engineering professionals to review the applications and advise the Town Planning Board in connection with Site Plans and environmental impact reviews; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

I, Heidi L. Smith, Town Clerk of the Town of Canton hereby certify that the above Resolution was adopted by the Town of Canton, August 9, 2023.

 Date 8/9/2023

Town of Canton
Resolution No. 27
August 9, 2023

Whereas, the Town Board of the Town of Canton, St. Lawrence County, New York wants to adopt comprehensive regulations for the installation and operation of anaerobic digesters operating within the Town; and

Whereas, the Town Board has drafted and considered the Town of Canton Anaerobic Digester Local Law; and

Whereas, the Town of Canton is the lead agency and the only involved agency for purposes of the SEQR analysis required by the Law of the State of New York; and

Whereas, the adoption of this type of local law is a Type 1 Action pursuant to the relevant SEQR regulations; and

Whereas, the Town Board has reviewed and accepts the Full Environmental Assessment Form (FEAF) Parts 1, 2, and 3 for the adoption of the Anaerobic Digester Local Law;

Now therefore, be it hereby:

Resolved, that the Town Board of the Town of Canton accepts the Full Environmental Assessment Form Parts 1, 2, and 3; and be it further

Resolved, that the Town Supervisor is authorized to sign Parts 1 and 3 of the FEAF; and be it further

Resolved, that the adoption of the Town of Canton Anaerobic Digester Local Law will not cause any significant adverse environmental impact and that a Negative Declaration is hereby issued with regard to the adoption of the Anaerobic Digester Local Law.

Duly adopted this 9th day of August, 2023 by the Town Board of the Town of Canton, St. Lawrence County, New York.

A handwritten signature in black ink, appearing to read "Heidi Smith", written over a horizontal line.

Heidi Smith, Town Clerk

Town of Canton
Local Law No. 4 of the year 2023
Anaerobic Digester Local Law

COPY

1. Authority

This article shall be known as the "Town of Canton Anaerobic Digester Local Law."

This Anaerobic Digester Local Law is adopted pursuant to Article IX of the New York State Constitution, §2(c)(6) and (10), New York Statute of Local Governments, § 10 (1) and (7); sections 261-263 of the Town Law and section 10 of the Municipal Home Rule Law] of the State of New York, which authorize the Town of Canton to adopt zoning provisions that advance and protect the health, safety and welfare of the community.

2. Statement of Purpose

This Anaerobic Digester Local Law is adopted to advance and protect the public health, safety, welfare, and quality of life of the Town of Canton by creating regulations for the installation and use of Anaerobic Digester systems, with the following objectives:

- A. To provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of Anaerobic Digesters;
- B. To ensure compatible land uses in the vicinity of the areas affected by anaerobic digesters;
- C. To mitigate the impacts of anaerobic digesters on environmental resources such as important agricultural lands, forests, wildlife and other protected resources; and
- D. To create synergy between anaerobic digester development and the comprehensive plan.

3. Definitions

As used in this Article, the following terms shall have the meanings indicated:

ANAEROBIC DIGESTER

A facility the main purpose of which is to use anaerobic digestion to convert livestock and poultry manure (primary catalyst) and feedstock into biogas. Anaerobic digesters

may include codigestion in which the livestock and poultry manure may be mixed with other organic materials (secondary catalysts).

ANAEROBIC DIGESTION

A series of processes in which microorganisms break down biodegradable material in the absence of oxygen, used for industrial or domestic purposes to manage waste and release energy.

APPLICANT

The person or entity filing application under this article.

BIOGAS

A fuel consisting of methane, carbon dioxide and small amounts of water and other compounds produced as a result of anaerobic digestion.

CODIGESTION

Anaerobic digestion of multiple biodegradable materials.

FEEDSTOCK

Any material which may be converted to methane gas by the process of anaerobic digestion. Nothing contained in this definition shall be construed to permit the use of any material generated off site in small anaerobic digesters as defined and regulated herein.

LARGE ANAEROBIC DIGESTER

An anaerobic digester which accepts animal waste, feedstock, and/or other organic waste generated off site or from more than one farm. This includes any digester system that produces RNG for injection into a natural gas distribution system. It is noted that any system with a nameplate generating capacity of 25 megawatts or more is subject to the requirements, terms and conditions of New York State's Public Service and Executive Law.

SMALL ANAEROBIC DIGESTER

An anaerobic digester primarily intended to reduce on-site consumption of utility power. A system is considered a small anaerobic digester only if it supplies energy power for on-site use, except that when a property upon which the facility is installed also receives

electrical power from a utility company, excess electrical power not presently needed for on-site use may be used by the utility company. Small anaerobic digesters use livestock and poultry manure and other feedstock generated on site by one farm and are designed and intended solely to generate power to offset utility costs. Small anaerobic digesters may include codigestion.

ANSI: American National Standards Institute

COMMISSIONING: A systematic process that provides documented confirmation that a Anaerobic Digester functions according to the intended design criteria and complies with applicable code requirements.

DEDICATED-USE BUILDING: A building that is built for the primary intention of housing Anaerobic Digester equipment, and complies with the following:

- A. The building's only use is digestion, energy generation, and other electrical grid-related operations.
- B. No other occupancy types are permitted in the building.
- C. Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the Anaerobic Digester Local and other energy systems.
- D. Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:
 - i. The areas do not occupy more than 10 percent of the building area of the story in which they are located.
 - ii. A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

ENERGY CODE: The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

FIRE CODE: The fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL): A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NEC: National Electric Code.

NFPA: National Fire Protection Association.

NON-DEDICATED-USE BUILDING: All buildings that contain an Anaerobic Digester and do not comply with the dedicated-use building requirements.

NON-PARTICIPATING PROPERTY: Any property that is not a participating property.

NON-PARTICIPATING RESIDENCE: Any residence located on Non-participating Property.

PARTICIPATING PROPERTY: An Anaerobic Digester host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the Anaerobic Digester owner (or affiliate) regardless of whether any part of a Anaerobic Digester is constructed on the property.

Renewable Natural Gas (RNG): Bio-gas that has been upgraded to pipeline quality gas for use in natural gas systems.

UL: Underwriters Laboratory, an accredited standards developer in the US.

UNIFORM CODE: the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

4. Applicability

- A. The requirements of this Local Law shall apply to all Anaerobic Digesters permitted, installed, or modified in the Town of Canton after the effective date of this Local Law, subject to any variances granted by the Zoning Board of Appeals as determined pursuant to the Town Law of the State of New York.
- B. Anaerobic Digesters constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.

- C. Modifications to, retrofits or replacements of an existing Anaerobic Digester that increase the total discharge, production, duration, and/or power rating shall be subject to this Local Law.

5. Small anaerobic digesters.

Small anaerobic digester systems are permitted as an accessory use to farming operations in any zone where agricultural uses are permitted subject to the definition of "small anaerobic digester" as set forth above and also to the following:

- A. Setbacks and lot requirements.
- 1) Small anaerobic digesters are permitted only on lots of 10 acres or more.
 - 2) Small anaerobic digesters shall not be located within 100 feet of any side property line, 100 feet of any rear property line, 400 feet from any residential structure other than that of the property owner and 100 feet from any public road right-of-way. For purposes of this subsection, the term "property owner" shall include any person or persons who own such residential structure and who also have an ownership interest in any corporation, limited liability company, partnership or other entity which owns the farm property and/or operation. There shall be no discharge of any kind on any such road right-of-way.
- B. Small anaerobic digester and building permit. The installation of a small anaerobic digester shall require a small anaerobic digester and building permit from the Code Enforcement Officer.
- C. Design and installation. The permit applicant shall address and document performance standards for siting to minimize impacts on neighboring properties which shall include considerations of:
- 1) Prevailing wind patterns.
 - 2) Proximity to residential and other nonagricultural properties regardless of how they are zoned.
 - 3) Operational noise.
 - 4) Specific hours of operation with regard to truck traffic.

- D. The application shall be accompanied by documentation from an engineer or other person qualified to design and install the proposed system, explaining all details of construction, operation, maintenance and necessary controls related to the system. The determination of qualified, as used in this paragraph, shall be at the discretion of the Code Enforcement Officer.
- E. Anaerobic digester systems shall be designed and constructed in compliance with the regulations and guidelines of the New York State Department of Environmental Conservation and any amendments, revisions, supplements, and successors thereto.
- F. Anaerobic digester systems shall be designed and constructed in compliance with all applicable local, state, and federal laws, codes and regulations, in addition to the manufacturer's instructions and industry standards. Evidence of such compliance and of all federal and state agencies' required approvals shall be included with the application.
- G. Building Permit. No anaerobic digester system shall be installed until a Building Permit has been issued by the Code Enforcement Officer.
- H. Decommissioning. If a small anaerobic digester ceases to perform its originally intended function for more than twelve (12) consecutive months, the developer, operator, and/or property owner shall remove the digester and associated equipment by no later than ninety (90) days after the end of the twelve-month period. In the event that the property owner fails to remove the aforesaid non-functioning digester within the time prescribed herein, the Town may enter upon the land where such digester has been installed and remove same. All expenses incurred by the Town in connection with the removal of the non-functioning digester shall be assessed against the land on which such digester(s) is located and shall be levied and collected in the same manner as provided in Article 15 of the N.Y. Town Law for the levy and collection of a special ad valorem levy.

6. Large anaerobic digesters.

Large anaerobic digester systems are permitted through the issuance of a special use permit as an accessory use to farming operations in any zone where agricultural uses are permitted subject to the definition of "large anaerobic digester" as set forth above and also to the following:

- A. Setbacks and lot requirements.

- 1) Large anaerobic digesters are permitted only on lots of 30 acres or more.
 - 2) Large anaerobic digesters shall not be located within 250 feet of any side property line, 250 feet of any rear property line, 500 feet from any residential structure other than that of the property owner and 250 feet from any public road right-of-way. For purposes of this subsection, the term "property owner" shall include any person or persons who own such residential structure and who also have an ownership interest in any corporation, limited liability company, partnership or other entity which owns the farm property and/or operation. There shall be no discharge of any kind on any such road right-of-way.
- B. Large anaerobic digester, site plan approval, and building permit. The installation of a large anaerobic digester shall require site plan approval from the Planning Board, and a building permit from the Code Enforcement Officer.
- C. Design and installation. The permit applicant shall address and document performance standards for siting to minimize impacts on neighboring properties which shall include considerations of:
- 1) Prevailing wind patterns.
 - 2) Proximity to residential and other nonagricultural properties regardless of how they are zoned.
 - 3) Operational noise.
 - 4) Specific hours of operation with regard to truck traffic.
- D. The application shall be accompanied by documentation from an engineer or other person qualified to design and install the proposed system, explaining all details of construction, operation, maintenance and necessary controls related to the system. The determination of qualified, as used in this paragraph, shall be at the discretion of the Code Enforcement Officer.
- E. Large Anaerobic Digester systems shall be designed and constructed in compliance with the regulations and guidelines of the New York State Department of Environmental Conservation, the U.S. Environmental

Protection Agency, and any amendments, revisions, supplements, and successors thereto.

- F. Anaerobic digester systems shall be designed and constructed in compliance with all applicable local, state, and federal laws, codes and regulations, in addition to the manufacturer's instructions and industry standards. Evidence of such compliance and of all federal and state agencies' required approvals shall be included with the application.

G. General Requirements

- 1) A building permit shall be required for installation of all anaerobic digesters.
- 2) Issuance of permits and approvals by the Planning Board shall include review pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 ("SEQRA")].
- 3) All Anaerobic Digesters and all other buildings, piping, and/or structures that contain or are otherwise associated with an Anaerobic Digester shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and the Town of Canton Code.

H. Safety. The owner/operator shall provide evidence that a copy of the site plan application has been submitted to the Fire Chief of the Canton Fire Department. All means of shutting down the digester shall be clearly marked on the site plan and building permit applications.

Upon project completion and annually for the life of the project, the applicant shall schedule and coordinate emergency response training with facility personnel, fire code officials, emergency responders and the St. Lawrence County Emergency Management Office to tour the Anaerobic Digester Local and review implementation of the procedures outlined in the facility's emergency response plan.

Emergency Response Equipment. In the event it is not available, the applicant shall be responsible for purchasing equipment and materials needed for emergency responders to implement procedures outlined in the facility's emergency response

plan. Items may include, but are not limited to: air monitors, ventilators and fans, and fire suppression.

I. Application Procedures. Applications for the installation of a Large Anaerobic Digester shall be subject to the site plan approval process in the Town of Canton Planning and Zoning Code along with the requirements of this local law which shall control in the event of any inconsistencies, and shall be:

1. Reviewed by the Code Enforcement Officer for completeness then submitted to the Planning Board for a final determination of completeness. An application shall be complete when it addresses all matters listed in this Local Law including, but not necessarily limited to, (i) compliance with all applicable provisions of the Uniform Code and all applicable provisions of the Energy Code and (ii) matters relating to the proposed Anaerobic Digester in Decommissioning, Site Plan and Development, Special Use and Development, Ownership Changes, Safety, and Permit Time Frame and Abandonment. Applicants shall be advised within ten [10] business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.
2. Subject to a public hearing to hear all comments for and against the application. The Planning Board of the Town of Canton shall have a notice printed in a newspaper of general circulation in the Town of Canton at least 5 days in advance of such hearing. Applicants shall have delivered the notice by first class mail to adjoining landowners or landowners within 200 feet of the property at least 10 days prior to such a hearing. Proof of mailing shall be provided to the Planning Board at the public hearing.
3. Referred to the County Planning Board pursuant to General Municipal Law § 239-m if required.
4. Upon closing of the public hearing, the Planning Board shall take action on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The 62-day period may be extended upon consent by both the Planning Board and Applicant.
5. Site Plan Application. For a Large Anaerobic Digester, site plan approval shall be required. Any site plan application shall include the following information:
 - a. Property lines and physical features, including roads, for the project site.
 - b. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.

- c. A diagram detailing the Anaerobic Digester Local layout, associated components, and piping and equipment.
- d. A preliminary equipment specification sheet that documents the proposed Anaerobic Digester components and associated equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
- e. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the digester. Such information of the final system installer shall be submitted prior to the issuance of building permit.
- f. Name, address, phone number, and signature of the project Applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the anaerobic digester.
- g. Zoning district designation for the parcel(s) of land comprising the project site.
- h. Commissioning Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Where commissioning is required by the Uniform Code, Anaerobic Digester Local commissioning shall be conducted by a New York State (NYS) Licensed Professional Engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to the Code Enforcement Officer or Reviewing Board prior to final inspection and approval and maintained at an approved on-site location.
- i. Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.
- j. Operation and Maintenance Manual. Such plan shall describe continuing Anaerobic Digester maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code.

k. Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.

l. Prior to the issuance of the building permit or final approval by the Planning Board, but not required as part of the application, engineering documents must be signed and sealed by a NYS Licensed Professional Engineer.

m. Emergency Operations Plan. A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location near the entrance of the facility to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:

- i. 24-hour contact information of facility personnel and system owners.
- ii. Procedures for safe shutdown, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, explosion, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
- iii. Procedures for inspection and testing of associated alarms, interlocks, and controls.
- iv. Procedures to be followed in response to notifications from the digester when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
- v. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
- vi. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
- vii. Procedures for dealing with Anaerobic Digester equipment damaged in a fire or other emergency event, including maintaining contact information

for personnel qualified to safely remove damaged Anaerobic Digester equipment from the property.

- viii. Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders, including but not limited to periodic inspections by the Code Enforcement Officer.
- ix. Procedures and schedules to conduct drills and training for local first responders on the contents of the plan and appropriate response procedures.

n. Decommissioning Plan. The applicant shall submit a decommissioning plan, developed in accordance with the Uniform Code, to be implemented upon abandonment and/or in conjunction with removal from the facility. The decommissioning plan shall include:

- i. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all Anaerobic Digester components, structures, piping, equipment, security barriers, and transmission infrastructure from the site;
- ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
- iii. The anticipated life of the system;
- iv. The estimated decommissioning costs prepared by an independent, third-party NYS Licensed Professional Engineer, and how said estimate was determined;
- v. The method of ensuring that funds will be available for decommissioning and restoration;
- vi. The method by which the decommissioning cost will be kept current;
- vii. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and

- viii. A listing of any contingencies for removing an intact anaerobic digester from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

J. Decommissioning Fund. The owner and/or operator of the anaerobic digester shall continuously maintain a fund or bond payable to the Town, in a form approved by the Town for the removal of the digester, in an amount to be determined by the Town, for the period of the life of the facility. This fund may consist of a letter of credit from a State of New York licensed-financial institution. All costs of the financial security shall be borne by the applicant.

K. The Town of Canton has established that there shall be a Community Benefit to maximize the benefits of a large anaerobic digester project to the Town of Canton and its residents. The benefit shall be determined via an agreement negotiated between the Town and the developer/owner, and shall include, but not be limited to a road use agreement.

L. The Applicant shall deliver to the Town Board via the Town Supervisor, an amount equal to one percent (1%) of the estimated cost of the project (the "Initial Deposit"), to a maximum Initial Deposit of Thirty Thousand Dollars (\$30,000.00). This sum shall be held by the Town in a non-interest-bearing account, and these funds shall be available to the Town to pay consultants and attorneys engaged by the Town to assist in application review if a local permit is sought, and to pay consultants and attorneys engaged by the Town to assist in review. Following the grant or denial of the state or local application, the Town shall return to the Applicant any excess remaining in escrow. If the escrow account has been depleted prior to grant or denial of the application, the Applicant shall deposit such funds necessary for the Town to pay any outstanding fees to said consultants.

M. Ownership Changes. If the owner of an Anaerobic Digester changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the Anaerobic Digester shall notify the Code Enforcement/Zoning Enforcement Officer of such change in ownership or operator within 30 days of the ownership change. A new owner or operator must provide such notification to the Code Enforcement Officer in writing with a copy to the Town Supervisor. The special use permit and all other local approvals for the Anaerobic Digester would be void if a new owner or operator fails to provide written notification to the Code Enforcement Officer in the required timeframe. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications under this Local Law.

N. Permit Time Frame and Abandonment

i. The Special Use Permit and site plan approval for a Anaerobic Digester Local shall be valid for a period of 24 months, provided that a building permit is issued for construction [and/or] construction is commenced. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the [Planning Board], within 24 months after approval, the Town may extend the time to complete construction for 180 days. If the owner and/or operator fails to perform substantial construction after 36 months, the approvals shall expire.

ii. The Anaerobic Digester Local shall be considered abandoned when it ceases to operate consistently for more than one year. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, at its discretion, enter the property and utilize the available bond and/or security for the removal of an Anaerobic Digester Local and restoration of the site in accordance with the decommissioning plan.

O. The fees for a Special Use Permit, Site Plan Review, and Building Permit for a Large or Small Anaerobic Digester shall be set from time to time by Town Board resolution.

7. Enforcement.

Any violation of this Anaerobic Digester Local Law shall be subject to the same enforcement requirements and penalties, including the civil and criminal penalties, provided for in the zoning or land use regulations of the Town.

8. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

8/9/2023
Date

Wendy S. Smith
Town Clerk
Town of Canton

August 7, 2023

Petition

This is not an oppositional petition.

I am presenting the Canton Town Planning Board with a petition of over 100 signatures of people who support the concerns addressed in the Land Use document that was sent to the board on July 5, 2023. These people agree that the concerns need to be addressed BEFORE a permit is issued. People who signed the petition are concerned citizens of the Town of Canton and of St. Lawrence County. These county-wide concerns affect the local veterinary clinics, rescues, volunteers, fosters, adopters, emergency personnel, as well as social media representation of Canton and our area.

This is a part of the democratic process that community members be heard. Over 100 citizens have taken the time to voice their concerns to you by signing this petition, among them board members of the Potsdam Humane Society. This process of sharing, contacting others and attending meetings has given us and other members of the public the opportunity to participate in local affairs in a positive way.

Margaret Mauch

To the Town Planning Board:

As concerned citizens of the Town of Canton, we urge you to consider the following points as you turn your attention to the new application submitted by No Dogs Left Behind, Inc.

Environmental Impact & Reasons for a SEQR

The County Planning Board at its June 8 meeting, recommended, and we concur, that a SEQR should be completed BEFORE No Dogs Left Behind, Inc. is granted a permit to operate even if there is no expansion at this time.

Because Maple Ridge Kennel was in existence before the Town of Canton Zoning Code was adopted in 1997, there was never a site plan or environmental impact study completed for this property. The new proposal/land use is not the same as for a boarding kennel. It is unlike anything that has been permitted before in the Town. There should be baseline data available in the event that new structures are added when NDLB takes over ownership of the property.

Detailed plans of how the fecal waste will be handled should be provided by NDLB. How will the fecal waste be put into the septic tank? One would hardly expect that that much waste would be flushed down a toilet. Will the septic tank be uncapped daily and fecal waste shoveled into it? How will this extra waste affect the leach field? What practices are necessary to be in compliance with environmental and health and safety regulations?

An operation of the size proposed will generate a significant volume of urine and feces. At the June Town Board meeting, Deb Bridges stated that a 1000 gallon septic tank will take care of the fecal waste. We question whether this is sufficiently large enough given the number of dogs that will be housed at the site.

Wastewater alone weighs the same as water 8.34 lbs/gallon. The density of sewage/sludge is equal to 45.011 lbs per cubic foot. 1000 gallon septic tank = 133.68 cubic feet. $133.68 \times 45.011 = 6,017.07$ lbs. Take 200 dogs \times .75 lbs of fecal matter per dog per day and that = 150 lbs of fecal matter per day. 6,017.07 lbs divided by 150 lbs per day = 40 days until the 1000 gallon tank is full. So the tank would need to be pumped every 40 days at a cost of approximately \$350 each time. Is this practical? Or does the design of the septic system need to be adapted to meet the demands of the increase in the number of dogs as well as personnel on the premises? Wouldn't this require engineering plans?

According to Chris Stevenson, president of Rivers Septic Service, an effluent filter(s) would need to be installed to protect the existing leach field. Joe Brant, Professional Engineer 1, NYS Department of Health, said that the more solids that are added to a septic tank, the more often it would need to be pumped, and the additional suspended solid particles being discharged would shorten the life span of the leach field. The frequent filling of the tank with solids would not allow the solids to settle out as in normal residential use.

No mention has yet been made of how liquid waste will be handled. This needs to be addressed in a detailed plan of waste management also. When the dogs' cages are hosed, where does that waste water mixed with urine, soap, disinfectant, etc. go? It should not be allowed to contaminate the ground water, wetlands or surface streams in the area or the site. How is it even possible to sanitize the outside kennels within the fenced area that have been placed on a gravel base?

According to the US Fish and Wildlife Service's Federal Wetlands Mapper, there are three federal wetlands located on the property at 1734 SH 68, Canton. One is a 1.54 acre Riverine habitat (Classification code: R4SBC), another is a 0.41 acre Freshwater Emergent Wetland habitat (Classification code: PEM5E) and at the back of the property, there is a 0.99 acre Freshwater Pond habitat (Classification code: PUBHh). These classifications are explained on the mapper: <https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>.

That being said, having spoken to Aaron Smith at the U.S. Army Corps of Engineers-Buffalo District, "there are no definitive maps of federally regulated wetlands or waterways. Therefore, it is often not possible to determine US Army Corps of Engineers jurisdiction based solely on an in-office review. In most cases, a site inspection is the only definitive means of determining the presence/absence and extent of wetlands, streams, and other conveyances of water that may be present on a parcel."

In an email from Aaron, "As discussed, under Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers regulates the discharge of dredged or fill material into waters of the United States, including freshwater wetlands. Certain types of activities, such as land-clearing using mechanized equipment and/or side-casting, in a jurisdictional water would likely be regulated under Section 404 of the Clean Water Act. The Corps of Engineers does not regulate any adjacent area or buffer zone surrounding a wetland. Our authority is limited to the edge of the wetland or ordinary high water mark of a water (stream, river, pond, lake, etc.). If any work is proposed involving the placement of fill in a water of the U.S., including wetlands, a Department of the Army permit would likely be required."

While the State Wetlands are regulated by acreage, there is no size requirement for site inspections by the Army Corps of Engineers. In order to build to the edge of a Federal wetland, the dimensions of that wetland need to be delineated and flagged to know the actual boundaries.

Aaron C. Smith
Monitoring and Enforcement
US Army Corps of Engineers - Buffalo District
Auburn Field Office
7413 County House Road
Auburn New York 13021
(716) 879-6332 (office)
(716) 863-6676 (cell)

Draft or Current Zoning Code?

The Town of Canton Draft Zoning Code with definitions will be on the agenda for review at the next Town Board meeting on July 12.

The following was presented to the Town of Canton Board:

June 14, 2023

I understand that the Zoning Board and the Town Board have worked diligently and with much deliberation to produce a comprehensive new Town of Canton Zoning Code. I would assume that you are eager to finalize this project.

Before there is a final vote on the Code in its entirety, I would ask that you consider a proposal and reasons for a delay in regards to kennels/rescues/shelters/animal hospitals.

On December 15, 2022, NYS passed a law that regulates kennels/shelters/rescues. It would be advantageous to learn what these new state laws are and to incorporate them into the proposed Code. The definitive language in the Canton draft code is confusing and needs to be clarified. There may, also, be conditions that the Town would want to address that are not part of the new State regulations that would be unique to the Town of Canton. Kennels/rescues/shelters must be in compliance by December 15, 2025. It would be helpful to any proposal for a kennel/rescue/shelter/animal hospital to have the Town and State laws consistent with each other. Doesn't it make sense to align Town Code laws with state regulations at this time?

In consideration of the lack of clarification and NYS Shelter Regulation Chapter 683, I am requesting that the Canton Town Board initiate a moratorium on the Draft Code until substantive language re: kennels/rescues/shelters/animal hospitals, etc. can be incorporated into new law that better protects the Town. Or delay voting on the proposed Code until the next board meeting in order to review the new state laws applicable to this section. Or if the Code is passed, to include an exception to not put into force that section of the Code until language is examined and determined to be in compliance with the state standards.

Definitions and changes in the draft code may affect the NDLB application. Decisions on the application should wait until the Draft Town of Canton Zoning Law has been approved.

Noise

To date, 16 noise complaints as a result of persistent barking have been filed. The operator of NDLB pled not guilty and, therefore, a trial date has been set for July 17. NDLB doesn't even have a permit and already there are costs to the Town monetarily and in time spent.

The noise problem has not been resolved which means the current fencing and structures are not adequate to deal with the noise. 1734 SH 68 is not the right location for this business. The noise can't be mitigated unless the elevations of the surrounding properties can be lowered so that the sound of barking doesn't rise out of the fenced enclosure. That's not likely to happen. Property values are going to be affected due to the relentless barking and the health of local residents has already been affected.

This is no longer a quiet, rural neighborhood. Noise was not of this persistent magnitude when Styles Bridges managed Maple Ridge Kennel. Will issuing a permit to NDLB "preserve and protect the character of the neighborhood and the health, safety and welfare of the community"? Aren't these considerations for the Planning Board and not just the letter of the Code?

The 14.5 acre property is too small for the proposed large numbers of dogs. There are too many environmental unknowns. The terrain makes it impossible to mitigate the noise levels created by the barking because of the higher elevations of the surrounding properties.

Animal Welfare

The purpose of/reason for a business applying for a permit is most certainly the jurisdiction of the Town Planning Board. The mission of NDLB is to provide animals rescue, care and re-adoption into loving homes. These dogs are coming from around the world. This process involves the welfare of the dogs.

The new kennel/shelter laws passed in December of 2022 came under the NYS Department of Education. NYS Agriculture and Markets will be the enforcement agency when the law goes into effect on December 15, 2025.

Until then, the Town could be the available governing entity that could have oversight of the dogs following permit issuance. Care of the dogs is part of the mission of NDLB and should be taken into consideration as part of the permit process.

The Town Planning Board can choose to set conditions that would meet what is required by law. NDLB should be working toward compliance with the new laws as other rescues are doing and outline the steps that have been taken and will be taken to become compliant with the new requirements.

Dangerous Dogs

Some of the imported dogs, due to traumatic experiences and backgrounds, are not able to be rehabilitated and therefore are not suitable for adoption. NDLB claims that these dogs will stay at the facility until their deaths. Two dogs have already escaped from the property. The draft Zoning Law 70-59 Kennels E. states "All outdoor pasture/recreation areas shall be enclosed to prevent the escape of the animals." Will these dogs be loose on the property for exercise? Will these dogs have to spend the rest of their lives confined in a caged enclosure? Is this humane?

On NDLB's Facebook page, some dogs have been described as escape artists capable of scaling 10 foot walls. Is the fencing that has already been installed adequate to keep the dogs confined? Fencing is an important issue as a structure currently in use on this property.

Article 7 of the Agriculture & Markets Law relating to Licensing, Identification and Control of Dogs, New York Consolidated Laws 2019 has a Section 123 that addresses and defines Dangerous Dogs. This was a concern brought up by members of the St. Lawrence County Planning Board at the June 8 meeting. Section 16-7 of the Town of Canton Zoning Code is entitled Dangerous Dogs and references Article 7 of the Agriculture & Markets Law.

New York Consolidated Laws, General Municipal Law - GMU § 209-cc. Notification of presence of wild animals and dangerous dogs

The knowledge of the presence of dangerous wild animals, and dangerous dogs, in the context of emergency services responses, is necessary to protect public safety and the safety of emergency services personnel. The term "dangerous dog" means a dog found dangerous pursuant to the provisions of [section one hundred twenty-three of the agriculture and markets law](#). Except for pet dealers as defined in [section seven hundred fifty-two-a of the general business law](#) and zoological facilities and other exhibitors licensed pursuant to [title 7 U.S.C. sections 2133 and 2134](#), and in the case of dangerous dogs except for licensed veterinarians in temporary possession of such dogs, every person owning, possessing, or harboring a wild animal or a dangerous dog within this state shall report the presence thereof to the clerk of the city, town, or village in which such wild animal or dangerous dog is owned, possessed, or harbored. Such report shall be filed annually on a date to be determined by the state fire administrator in the manner prescribed by the state fire administrator. A separate report shall be filed for each street address at which any such wild animal or dangerous dog may be found.

Such clerk shall forward a copy of such report to each state police troop, county sheriff, and municipal police agency having jurisdiction over the location of such wild animal or dangerous dog. A copy thereof shall also be forwarded to each fire department, fire corporation, or fire company serving such location and to each ambulance or emergency medical service department, ambulance corporation, or ambulance or emergency medical service company serving such location. In lieu of forwarding a copy of each report, the clerk may compile the contents of the several reports, and forward the compilation.

Any person who fails to report the presence of a wild animal or dangerous dog as required in this section shall be subject to a civil penalty of not more than two hundred fifty dollars for the first offense, and upon being found guilty of a second or subsequent offense, by a civil penalty of not less than two hundred fifty dollars or more than one thousand dollars. Except as otherwise provided by law, such a violation shall not be a crime and the penalty or punishment imposed therefor shall not be deemed for any purpose a criminal penalty or punishment and shall not impose any disability upon or

affect or impair the credibility as a witness, or otherwise, of a person found guilty thereof.

Animal Hospital

Non-veterinarian practice ownership is restricted in NYS. There needs to be an in-person veterinarian available to see to the needs of whatever number of dogs will be on the property if there is to be an animal hospital on site. Who will that be? Online veterinary care from Hong Kong is not adequate to address emergency situations and critical care.

Emergency Evacuation of Dogs in the Case of a Natural Disaster

The St. Lawrence County Planning Board suggests the following condition of approval for the Town's consideration: Detail how 500 dogs will be transported to and from the property and accommodated in the event of a State-declared natural disaster.

Signage

The sign should be down lit and be turned off nightly by 10:00 P.M. Light pollution at night is already a problem here.

Access From A State Highway

Before an assessment can be made of the traffic pattern on the property, there needs to be a clear definition of what the land use will be eg. kennel, doggy day care, shelter, animal hospital. The parking lot is a third access from the state highway which requires a permit.

Thomas Campo
NYS Department of Transportation
Permit Coordinator Highway 7
317 Washington Street
Watertown, New York 13601
(315) 785-7981

St. Lawrence County Planning Board's Identified Concerns

The Town needs to clarify how it wishes to define this type of land use, either through a Zoning Board of Appeals Interpretation of current uses, or the inclusion of an animal shelter/rescue use in its current zoning code. Alternatively, the applicant could seek a use variance.

Detail how 125-275 dogs will be housed in the existing usable facilities

Detail how high the fence will need to be and where it will be located

The State DOT be contacted to determine if additional permitting is necessary for access to the site off of State Highway 68

Additional concerns were raised about

safety for cyclists and pedestrians near the site

the lack of parking locations for customers and staff

where dogs will be located on the property

environmental impacts from dog waste and urine (SEQR should be completed)

potential for disease

the need for information on the health of dogs brought to the facility

veterinary service impacts

the need for the specification by the town of a maximum occupancy

Cathy Shrady

Ruta Ozols

Margaret Mauch

Michael Heaney

Jouise Binky 1 Main St., Ste. 203, Canton NY 13617

Keith Poplar Keith Poplar 1612 St Canton NY 13617

Judi Cohen Judi Cohen Lisbon NY 13658

Helen Hutchinson 24 Judson St Canton 13617

Cara Ceffin

5707 County Route 27 Canton, NY 13617

Suma Bentley - Goffield

392 Park School Rd, Canton 13617

Alan K. Moll

71 State St Canton NY 13617

Edward J. Gordon DVM

78 Hogk Rd Potsdam, N.Y. 13676

Barbara York

78 Hogk Rd, Potsdam, N.Y. 13676

Kula C. Hunnewell

49 Farmer St. Canton NY 13617

To the Town Planning Board:

As concerned citizens of the Town of Canton and of St. Lawrence County, we urge you to consider the Land Use points as you turn your attention to the new application submitted by No Dogs Left Behind, Inc.

David Stenzini

Laura Frank

Robin Durocker

Bonnie Davis

John Davis

Janice Woodruff

Mark Berninghausen

Robert DeLoach

Robin Colton

Karen Wells

Shirley Brewster

Claire Gardam

Tamara

Beth Patrick

Marsha Arnold

Massena ^{2 Highland Ave.} N.Y.

Canton, N.Y. ^{9 Nickerson Rd.}

113 Judson St. Canton NY

101 W Front St, Benson Falls, NY

101 West Front St. " "

892 Finnegun Rd Potsdam N.Y. 13626

437 Herby Rd. Brasher Falls, NY

56 Judson, Canton

27 Hamilton St Potsdam
13626

169 Syke Rd. Canton, NY 13611

11 Cedar St, Potsdam NY

19 Maple St, Canton

6 WOODS DR. Canton

6 Woods Dr. Canton

1678 CR25 Canton

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- Environmental Impact & Reasons for a SEQR
- Draft or Current Zoning Law
- Noise
- Animal Welfare
- Dangerous Dogs
- Animal Hospital
- Emergency Evacuation of 500 Dogs in the Event of a Natural Disaster
- Signage
- Access from a State Highway
- St. Lawrence County Planning Board's Identified Concerns

| Name / Address | Concerns |
|---|----------------------|
| Deborah Courtney ^{41 Cycles Rd} Canton | all of above - noise |
| Joe PO Bork ^{"1"} | All the above |
| Dellie Christ ^{Canton} | ALL OF THE ABOVE |
| Nancy A. Jones ^{Jackson St. Rd} Canton | all of the above |
| Nancy Jones ^{Jackson St. Rd} Canton | All the above |
| Kathy Casey ^{Canton} | All of above |
| Maguelise Gauthier ^{Canton} | — |
| Ann F. Randolph ^{Canton} | All of the Above |

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Peter Papul

Raymondville

Bonnie Boyd

Potsdam Humane Soc. Board

Aileen A. Wing

Potsdam Humane Soc. Treasurer

Jeffrey Bono

Potsdam Humane Soc. President

Randy Page

Potsdam Humane Soc. Board

Daryl A. Ireland

Potsdam Humane Society / Potsdam
Agway

Kathleen Hughes

Potsdam Humane Society - Ex Dir.

Van Schellter

PHS Board

Tracy L. Adde

Potsdam

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| Name / Address | Concerns |
|--|---|
| Elaine Sanderson 7336 CR 27 Lisbon NY 13658 | all above, especially safety to the animal 15 |
| Carolyn Maloney 3634 SH 68 Lisbon, NY 13658 | Environmental Impact, Animal Welfare, Noise for neighbors, Emergency Evacuation |
| GERALD MALONEY SAME AS ABOVE | WELFARE |
| ALAN LAUGHMAN 407 JUDSON ST RD CANTON, NY 13617 | DANGEROUS DOGS |
| Janet A. McFarland 4 Elm St. Canton NY 13617 | |
| CATHY CROSBY 7 PARK PL. CANTON NY 13617 | |
| David Bradford 28 Sisson St PITSDAM | |
| CLIFF WESTERLING 892 FINNEGAN RD PITSDAM | |

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Akiko Prashaw
525 CR 35, Potsdam, NY 13676

DANA HENRY
5562 C.R. 27, CANTON, NY 13617

Jennifer Mitchell
534 French Hill Rd Canton

Animal Shelter volunteer.

Cindy Gabbau
120 Barnes Rd CANTON NY

Burner Henry
5562 CR 27 CANTON NY

Peter Finkbeiner
411 MEADE Rd CANTON

Lushe S. Clark
411 Meade Rd, Canton, NY

Frances S. Monroe
10 Hillside Rd. Canton, NY

concerned @ our environment

Ruth Laughman

407 Judson St. Canton, NY Environmental concerns

Sandra Uechi

29 Riverside Dr. Canton, NY 13625 environment

Beverly Snyder

290 Arbuckle Pond Rd Canton, NY 13625 environment

William Irwin

810 Irish Settlement Rd, Canton NY 13617

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name address →

↓ Concerns ↓

| | |
|---------------------------|--|
| Sue Thiesen | Health of dogs coming in |
| Wright Rd Potsdam | Impact on vet care + current rescue |
| Maureen Carrara | Health of dogs from 3rd world |
| River Road Potsdam | Animal welfare countries |
| Courtney Labadie | " " |
| Waverly St Potsdam | " " |
| Cardyn Parker | Animal Welfare |
| Rensselaer Ave Ogdensburg | |
| Wendy S. Chambers | Animal Animal Welfare |
| Cotton | |
| Cyndi Spurr | Health, welfare |
| Canton | |
| Cynthia R. Grant | Health & welfare of animals |
| Canton | |
| Michelle K. Pate | Health + welfare of dogs / vet training issues |
| Aiken Rd, New York | |
| Debra A. Hutchins | Canton, NY |

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William E. Bond

1678 E R 25 Canton, NY

Chie Agnew

442 N. Racquette River Rd, MASSENA

Margaret Mauch

33 Jones Rd, Canton

David Doran

49 Jameson Rd, Canton

Sally E. Vrooman

187 Miner St. Rd, Canton

Joan S. Keeser

30 Sullivan St, Canton

Linda Kenny

9 Park Place, Canton

Eileen Raymond

63 East Main St. Canton

Martha Hodges

2 Highland Ave, Massena

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Star Lake Area



Dolores Dowling

Carolyn Hinkle

Richard Hinkle

Betty Lashua

Paul Kiser

Andrew Augustine

Allen Ditch

Allen Ditch

Ronald Lashua

Mairi B. Meredith

K

Jaime Storie

Dolores Dowling

Carolyn Hinkle

Richard Hinkle

Betty Lashua
Ronald Lashua

PAUL KISER

Andrew Augustine

(Kelly Houck)

RONALD LASHUA

Mairi B. Meredith

Kelly Haulk

~~Jeannette Kiser~~

Rae Louise Tate

Jane Phelps

Janice M Brothers

Vicky L Dowling

Chad Kerr Jr.

Kelly Haulk

Jeannette Kiser

Rae Louise Tate

JANE PHELPS

Janice Brothers

Vicky L Dowling

CHAD KERR JR.

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| | |
|--------------------------------|---|
| Mark Markiewicz | 488 County Road 46 Massena NY 13662 |
| Eudora Watson EUDORA WATSON | 5 Morningside Drive Potsdam NY 13676 |
| Charles Ramsey Chuck | 33 33 Waverly St APT 2 Potsdam NY 13676 |
| 75 DANIEL LEMPERT | 1640 CR 53 BRASHER FALLS, NY 13613 |
| Philip Neisser Phil Neisser | 5 Morningside Dr Potsdam NY 13676 |
| Jean Williams-Bergen | 1185 C.R. 25 Canton NY 13617 |
| Deb Conrad Deb Conrad | 15 St 12, Potsdam 13676 |
| Walt Conley Walt Conley | 11 Hillcrest Dr Potsdam NY 13676 |

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| SIGNATURE : | NAME & ADDRESS |
|--------------------|---|
| Valerie Summer | 9B Lina St., Ogdensburg NY |
| Alan H. Hargraves | 800 Reddy Rd. Chase Mills, NY 13621 |
| John Bliss | Lamar Bliss 619 Baker Rd. Potsdam NY 13676 |
| Susan E. Heberling | SUSAN E. HEBERLING 619 BAKER RD. POTSDAM NY 13676 |
| Michelle Whalen | 9B Lina St. Ogdensburg NY 13669 |
| Ann McLaughlin | ANN McLAUGHLIN 892 BUTTERNUT RIDGE RD CANTON 13617 |
| Allegade We | Hilda Webb 38 Howardville Rd Canton 13617 |
| Martha Cunningham | 13 Morpington Dr. Potsdam |

[illegible]

BUCHAN & SUTTER, P.C.

Attorneys and Counselors at Law

15 Lakeshore Drive

Constantia, New York 13044

Office: (315) 623-7133

Fax: (315) 623-7130*

William M. Buchan
buchanlaw@aol.com

Sharon A. Sutter
sutterlaw1@aol.com

August 8, 2023

Via Email: ldarling@younsommer.com

Laura Bomyea Darling, Esq.
Young/Sommer LLC
Executive Woods
Five Palisades Drive
Albany, NY 12205

RE: Town of Canton Proposed EDF Battery Storage Facility Concerns

Dear Laura:

As you are likely aware, the news of a major fire at a solar project battery storage facility in Chaumont, New York has raised concerns over the planned battery storage facility associated with EDF's Rich Road Solar Energy Center, LLC ("EDF" or "RREC") project in the Town of Canton. We write today on behalf of the Canton Town Board ("Town") and the citizens they represent to express these concerns to your client EDF concerning the RREC's planned facility.

Based upon published reports, the fire in Chaumont involved a battery storage facility associated with a Major Solar facility. It is not clear to us precisely how analogous the Chaumont battery storage facility is to the planned battery storage facility for the RREC. However, we are aware of an EDF major solar project located in Warwick, New York that suffered a fire in June 2013. Published reports indicate that EDF's project in Warwick used "Powin Centipede" battery technology.

EDF's siting application to the Office of Renewable Energy Siting ("ORES") for the RREC at Appendix 5-A and 5-B describes a modular Lithium Iron Phosphate ("LiFePo4") battery chemistry in modular units manufactured by Powin identified as Stack "750E" and "Centipede." Drawing 801 in Appendix 5-A of the RREC permit application depicts 162 Powin battery units arrayed in nine rows or centipedes. Are the proposed battery storage units proposed for the RREC made by the same EDF vendor as the battery storage units EDF installed in Warwick and are both based on the same LiFePo4 chemistry?

Town Board members have questions and have been asked many more questions by constituents concerning the potential for battery fires at the RREC and whether, like Chaumont, a

fire associated with the EDF facility would cause similar impacts to Town residents including smoke likely containing compounds that are hazardous to human health when ingested, fires that once ignited cannot be quenched with normal fire fighting technologies available to Canton, and why it is necessary for EDF to bring a technology with a very high potential to create a public nuisance to Canton.

When queried about concerns with the RREC battery storage facility Canton's Fire Department Chief stated:

Battery storage systems are like large versions of electric vehicle batteries. They require large amounts of water to aid in extinguishment. Water is not directed into the battery but used to cool the housing to control the runaway reaction that is occurring inside. We have similar concerns with fires in electric vehicles, which can also burn for days. Currently, our closest sustainable water supply to the Rich Road battery system is a fire hydrant at Remington Avenue. My primary concern would be how they plan to provide adequate water in the event of a fire. Secondary is monitoring the air downwind.

Remington Avenue is approximately three (3) miles from the RREC. No fire hydrants are located within a reasonable distance. Water to fight the Rich Road fire once it starts must be trucked. The Fire Chief's description of a "runaway reaction" seems to be consistent with the fires described in both Warwick and Chaumont. Importantly, the location of the proposed RREC battery facility is not served with water, that is, at least arguably, necessary to mitigate the damage to human health and the environment that will be caused by such a runaway reaction. We suggest that unless the RREC battery installation is located within an area currently served or planned to be served, with a municipal water system with adequate supply to properly respond to a major fire at the site, it should not be permitted.

The Fire Chief as well as many residents raise concerns about the impact of smoke emitted by a battery fire. A less than exhaustive literature search will disclose that lithium ion battery fires are known to emit gases containing hydrogen fluoride and phosphoryl fluoride as well as intermediate chemical compounds, carbon dioxide and particulates. Exposure to any of these chemical compounds in significant doses would be antithetical to the health of the exposed individuals and are a significant concern.

We understand that LiFePo₄ chemistry is a newer formulation that is different than the lithium ion technology that is known to produce hydrogen fluoride, phosphoryl fluoride and other toxic off gases. However, exactly how different the impacts of the smoke from a LiFePo₄ fire are from a lithium ion battery fire remains to be seen. Any comparative studies or literature that would inform this discussion would be appreciated.

The last broad category of concerns that we have heard is that large quantities of water are inevitably poured on a battery fire. As noted by the Fire Chief above, water is used to cool the fire not to extinguish it. The fires reported in the press have burned for days necessitating large volumes of fire water to be poured onto the burning structure. What is the environmental fate of this large quantity of fire water and what pollution does

it carry into the local streams, rivers and aquifers? What engineering controls are in place to address this concern?

Those of us that follow developments in the renewable energy field see new and better technologies in the battery storage space coming to market at a remarkable pace. At this point in the development curve for large-scale battery technology it would be wise to wait until the unacceptable risks of the proposed design are mitigated by new and safer technology and by all accounts the wait should not be too long.

Finally, we offer these comments in the spirit of educating and informing EDF, as the designer of this project, that the Powin Centipede battery technology is not safe. The commonality between Warwick and now Chaumont is that once ignited the batteries will burn until the fuel is gone exposing our citizens to toxic smoke, confounding and endangering our first responders and polluting our water. The anxiety caused by knowing this nuisance will exist for all Town residents is already causing irreparable harm to the collective peace of mind of the entire community. No amount of engineering controls will make 162 of these units safe. An unsafe installation of any scale is not acceptable to our community.

Thank you.

Sincerely,

Buchan & Sutter, P.C.

William M. Buchan

William M. Buchan, Esq.

cc: Canton Town Board
ORES

