

**Town of Canton**  
**Special Meeting/Public Hearing**  
**Tuesday, November 29, 2022**  
**In Person & Video Conference**  
**Minutes**

**PRESENT:**

Mary Ann Ashley	----	Supervisor
Bob Washo	----	Council Member
Jim Smith	----	Council Member
John Taillon	----	Council Member
Bob Santamoor	----	Council Member

**Also Present:** Town Clerk Heidi L. Smith, Deputy Town Clerk Leanna Moquin (zoom), Solar Attorney Bill Buchan, Esq (zoom), Assessor Cindy Brand (zoom), Code Enforcement Officer Mike McQuade (zoom), Attorney Eric Gustafson

**Public Attendance:** See attached sign in sheet. Michelle French (zoom), Michael Iversen (zoom)

**A. Call Meeting to Order**

Supervisor Ashley called the meeting to order at 6:00 PM. Ashley read out loud the legal notice. Ashley asked that Solar Attorney Bill Buchan describe Tax Law 487.

Bill Buchan explained that Real Property Tax Law is the New York State Tax Law that addresses how real estate should be taxed. In 1977 the NYS Legislature added provision 487. It provides a 15-year Real Property tax exemption for a wide variety of renewable energy systems. Essentially it is an incentive to adopt renewable energy. For example, if you were to add a solar system to your home it would not increase the taxable status of your home. One of the features of the law is as a local government or taxing authority you can take no action and allow the exemption to go forward, or you may opt out. Tonight, the board is considering taking action to opt out.

In Canton, the Town chose to allow the exemption and it has been successful and encouraged a lot of residential solar. That was beneficial for a long period of time.

In 2016, there were some very significant changes to the law that governs renewable energy. There were two things that came to be:

- 1.) Net metering which allows you to send power back into the grid if you generate it at your home and don't use it and to get credit for it.
- 2.) The Public Service Commission enacted a new program called Community Solar. The idea behind community solar is if a home doesn't allow you to put solar on your roof or a windmill out back. Community Solar provides an opportunity for everyone to be able

to buy green power through their power bill.

In Canton there are seven Community Projects going on. Anyone can buy power from those solar systems.

In 2019, new laws came out. The Town of Canton passed their Solar Local Law. The State Legislature passed the Climate Act which set very distinctive goals for adoption for renewable energy. The most important of which is they hope to develop 6,000 megawatts of Solar by 2025. One of the ways they intend that to happen is by streamlining large scale renewable energy development through a new law and new agency from Office of Renewable Energy (ORES). The Rich Road Solar Project here in Canton.

Tonight, the Town Board is considering whether to continue the exemption or determine whether opting out is in the best interest of the community moving forward.

Bill added any systems that are currently interconnected to the grid will remain tax exempt under Tax Law 487. This would only impact new systems that are not interconnected as of the date this law is passed and filed.

Supervisor Ashley opened the public hearing up for public comment.

- Rainbow Crabtree, Pink School House Rd, asked would the new law only affect new systems? Is that just systems that haven't yet started building or have not yet been approved?

Bill responded the new systems that are not interconnected. Meaning attached to the grid so the power is going out during the day and comes back when the sun doesn't shine. Interconnected is a formal agreement between the developer and utility.

- Brooke Rouse, College Street, asked is opting out all or nothing? Can you opt out of different scaled projects?

Bill responded it is all or nothing.

- Casey Maroney, Irish Settlement Rd, stated it is her understanding that opting out means more tax revenue for the Town. After speaking with an attorney, Casey stated that the State is going to come in and access the land at a lower value than what the Town would. Casey asked if the board has thought about a Host Community Agreement to allow the Town to have some control? Casey asked the board to look at the Town of Byler and Ripley. Casey asked when it comes to the Pilot Program does the Town control it or is it the IDA?

Bill responded when the Town adopted their Solar Law, they put in a requirement for a

Host Community Benefit Agreement as a condition. Opting out will act in concert with the host benefit agreement. The Town is working hard to perfect those agreements and deliver as much revenue as possible under the circumstances and we believe opting out would assist with those negotiations. Regarding the IDA question. There is a State Statute that empowers the IDA to negotiate on behalf of the local taxpayers' jurisdictions which includes the Town of Canton, School District, and the County. The IDA has a set of special powers granted by the statute to create a tax-exempt structure. There are Pilot negotiations and Community Benefit Agreements on going because of this development.

- Clark Cummings, Riverside Dr, asked what is the board's position on the Rich Road Solar Project? Clark suggests opting out.
- Paula Jenson, Miner Street Road, asked how much will this project generate for energy? Is this project really producing the amount of energy the company says we are?
- Barbara Rogers, Miner Street Road, asked if we are considering making solar panels taxable, as in adding it to property value. Can we then choose between Payment in Lieu of Taxes and elevated property values with solar panels added on. Would the Town receive a lot more money? Who would pay the property taxes on a commercial solar project? Would it be the landowner because they leased the property or is it the company that built the solar installation on top of the land?

Bill responded that the typical structure between a landowner and solar developer involves a lease. The landowner leases property to the developer to build the solar system. In that lease agreement the solar company agrees to pay the increase in taxes associated with the development of the energy project. Opting out will create a tax on the solar system which the solar developer/owner of the system will have to pay.

- Clark Cummings asked can they get taxed on only what they are producing?

Council Member Bob Washo asked Bill to speak to the status of the state assessment of these projects.

Bill responded yes, that is the answer to the question. There are no actual guidelines today. Most likely it will be income over time reduced to net present value. This will generate a substantial taxable value. Until the state repromulgates its rules we won't know for sure.

- Clark Cummings stated if we tax them on what they are advertising we can generate more revenue. Clark asked is the land no longer agricultural? Does it now become industrial or commercial?

Council Member Washo commented the land will continue to pay the base that it does

now. The improvements are what we are talking about above and beyond that. The current land tax will remain. The new improvements are what is going to be assessed.

- Cindy Randi, CR 21, asked will we be privy to that formula?

Council Member Washo responded eventually.

- Paula Jenson asked is this is an improvement.
- Rainbow Crabtree is concerned that with the new climate initiatives local communities are losing control. Rainbow supports this new law of opting out if it helps us as a community to shape our future and our economy, maintain our character and our sense of place, which I think that we work hard to create and that protect our natural resources. Rainbow encourages our local government and community to get more involved and help to expand the definition of community solar. Rainbow believes that is insufficient definition and would be willing to participate in the process.

Bill clarified that the name community solar is derived from who can access the power. Community solar is program created so people can buy solar power no matter what the circumstances. If you have a power bill you can participate in community solar. Another term used is Utility Scale Solar which is power that goes into the grid and is sent somewhere else.

Council Member Washo added that community solar is five megawatts or less that was defined by the state. That is where those terms come from not from the board.

- Rainbow stated that the name community is misleading and is being misused.
- Casey Maroney asked if we opt out and if you tax or do a host community agreement when EDF files will this hold it up?

Bill responded there will be negotiations. This discussion to opt out will be helpful with negotiations.

- Clark Cummings asked again if the board is for or against it?
- Paula Jenson asked do we really want to get into energy that goes elsewhere.
- Cindy Randi asked does the board know what happens after a pilot expires. Will the developer start paying the regular assessment? How willing are the developers to do that?

Bill responded they are taxpayers like all of us. We can expect they will seek to adjust their assessments that are fair and reasonable just like everyone else does.

Council Member Jim Smith responded they may also try to seek a new pilot.

- Brooke Rouse asked what do options look like and what are the impacts and decisions following? Can we talk about the steps if we opt in vs opting out in terms of pilots and taxation. What will happen in 15 years? What community benefit happens? What control does the board have? What are the risks?

Bill responded if the board decides to opt out, any new facility that comes into Canton would be fully taxable once its interconnected. This would not affect the seven projects already underway because to his knowledge they are already interconnected. The Rich Road Project, to the best of Bill's knowledge, is not interconnected. The Town would be able to tax on day one new facilities. Moving ahead we would be looking for pilot agreements and host community agreements. The combination of those two equivalents to full tax to the Town. Opting out is another tool for the Town to generate revenue.

- Paula Jenson asked it was once advertised as Rich Road Energy Center and now it is Rich Road Project does that mean is it a done deal?
- Lyne Soulia, CR 27, asked other communities that have big projects like this have they opted out?

Council Member Washo stated there is a website that you can go to and see every tax jurisdiction in NYS to see if they opted out.

- David Duff, Macomb resident, stated that there are so many moving parts. As a host community what have you negotiated? Without knowing what was negotiated how can we say we support it or not support it? This project is profoundly out of proportion to this community. This project of this size, this power needs to stay here. They are coming here because the land is cheap, the community is in disarray, and we are looking for some money. They aren't going to rent the land for 15 years and give it back to us as it looks now. There is no saying they won't expand. Anything the board can do to try and control is in your best interest. The state doesn't care.

- Barbara Rogers stated, for the record, she is in favor of opting out. Barb asked about a battery bank. With industrial battery banks Barb believes the risks are considerably higher. Barb asked is the taxation also commensurate with the risk or is it too early to tell?

Bill responded the assessment model is based on revenue. There will be a battery associated with the Rich Road Solar Project. It is his understanding that the reasoning behind the battery is that energy sales have peak demand and off-peak demand. The battery allows you to store the energy when you are making it during the daytime and then sell it when it's most advantageous to create more revenue. The battery would

provide additional revenue. Bill thinks the reason that they are putting batteries into these systems is the intermittent nature of solar energy.

- Barb also commented about training the fire departments to respond to battery fires. We need the community to be prepared to respond to an industrial battery bank. This will cost more money to every taxpayer in Town. Which seems to make sense to make them taxable. We need to consider the additional expenses when assessing projects that have higher risks that require specialized training to accommodate.

- Pam Rose, Meade Rd, stated she hopes that everything that gets done is at the benefit our community. Pam would like to understand why we need to do pilots and if we do pilots and host benefits why is this not done before decision making instead of after the fact. What happens when the landowner and developer make all their money and walk away? Where does that tax burden go? Pam feels that Canton will be overwhelmed with solar and worries about our farmland, our children, and our future. Can DANC or solid waste handle everything?

- Jim Rose Meade Rd stated what bothers him is that there is a 90-million-dollar solar project going in behind him and is devaluating his property and they get the tax breaks. Jim is bothered that we are losing all this farmland.

No further comments.

A motion to was made by Council Member Bob Santamoor and seconded by Council Member Jim Smith to close the public hearing at 7:03 PM.  
All in favor. Motion carried.

A motion was made by Council Member Bob Washo and seconded by Council Member Bob Santamoor to opt out of Tax Law 487, adopting the Local Law as drafted pending SEQRA review.

Open for discussion.

Attorney Gustafson explained that the State Environmental Quality Review Act (SEQRA) is when you take certain actions the board needs to consider the environmental consequences of the action. Pursuant of the regulations issued by the Department of Environment Conservation. Commonly referred to as the SEQRA analysis.

Gustafson went over the SEQRA assessment with the board.

Bob Washo withdrew motion.

A motion was made by Council Member Jim Smith and seconded by Supervisor Mary

Ann Ashley that the Town Board determined there is negative declaration with respect to adverse environmental impact.

All in favor. Motion carried.

A motion was made by Council Member Bob Washo and seconded by Council Member Bob Santamoor to adopt the Local Law opting out of Tax Law 487.

All in favor. Motion carried.

**B. Approve Agreement between Town of Canton and CSEA Local 1000 AFSCME, AFL-CIO Unit #8422 Local 845-January 1, 2022-December 31, 2025.**

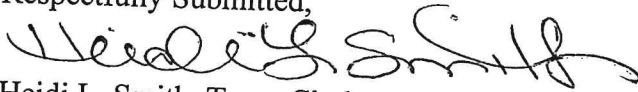
A motion was made by Council Member Jim Smith and seconded by Council Member Bob Washo to approve agreement between Town of Canton and CSEA Local 1000 AFSCME, AFL-CIO Unit #8422 Local 845-January 1, 2022-December 31, 2025.

All in favor. Motion carried.

A motion was made by Council Member Jim Smith and seconded by Council Member Bob Santamoor to adjourn the special meeting at 7:17 PM.

All in favor. Motion carried.

Respectfully Submitted,



Heidi L. Smith, Town Clerk



Sign In

November 29<sup>th</sup> Special Meeting  
Public Hearing

Name:

Dan + Lyre Soulia

David & Duff

BRIAN LEE

Georgia Voss

Barbara Lee

Paula Jensen-Monk

Cindy Randi

Rachael Crabtree

Karen Maroney

Tracy Knowlton

Mike Scuniger

Ethan Townsend

Jim R

Anna Sorensen