

RESOLUTION NO. 32

TITLE: SCHOHARIE COUNTY RENEWABLE / INDUSTRIAL WIND ENERGY PROJECT
PRE-APPLICATION AND PILOT AGREEMENT FEE SCHEDULE

OFFERED BY: Donald Airey Who moved its adoption

SECONDED BY: Earl VanWormer III Member of Rules & Legislation Committee

WHEREAS, numerous Renewable Energy / Industrial Wind Energy companies have at least a speculative desire to site Renewable Energy / Industrial Wind Energy Projects in municipalities throughout Schoharie County; and

WHEREAS, the majority of the siting and regulatory burden is placed upon the Town and Village (Host Community) in which they are located, as the Town or Village (Host Community) is the lead agency and overseer of the Comprehensive Plan and Land Use Code(s); and

WHEREAS, municipalities and School Districts throughout Schoharie County intend to be cooperative with Renewable / Industrial Wind Energy companies in an effort to support the Renewable energy goals of the Governor, but desire fair and equitable uniformity throughout the County; and

WHEREAS, much time, energy, administration and taxpayer dollars are necessary to accommodate Renewable Energy / Industrial Wind Energy companies' requests, while in some cases, the project does not proceed past a speculative stage for various reasons; and

WHEREAS, this process has placed yet another demand and burden on the limited resources of local municipalities with an essentially de facto unfunded mandate imposed by the State; and

WHEREAS, an unreasonably heavy burden is placed upon local Town Supervisors, Mayors, Clerks, Code Enforcement Officers, Counsel and County Planning employees whom are uncompensated for this additional workload that stress limited administrative capacities; and

WHEREAS, Towns/Villages receive no compensation should any speculative project not result in construction and operation; and

WHEREAS, Schoharie County Board of Supervisors agreed to pass an "Opt-In or Opt-Out" Resolution in an effort to assist municipalities create fair, equitable and consistent taxing agreements throughout the County; and

WHEREAS, this Resolution sets a fee schedule for municipalities to utilize in order to promote consistency and compensation for their time, effort and related expenses; and

WHEREAS, a pre-application fee of \$10,000 per rated mW project capacity will be required by Renewable Energy / Industrial Wind Energy companies, payable to the host Town/Village at a minimum compensatory rate of \$25,000 per rated project mW applicable to projects with rated capacities of less than 2.5 mW; and

WHEREAS, a maximum pre-application fee of \$150,000 will be required, payable to the host Town/Village for projects with rated capacities greater than 15 mW capacity; and

WHEREAS, the pre-application fee is held by Town/Village (Host-Community); and

WHEREAS, pre-application fees are 75% refundable contingent upon Schoharie County, School District and Town/Village's project approval, in addition to an accepted PILOT (payment in lieu of taxes) agreement with 25% of pre-application fees retained by the Town/Village; and

WHEREAS, if project is not approved by Schoharie County, School District, and Town/Village within one (1) year of initial official inquiry, including an accepted PILOT agreement, the pre-application fee shall be non-refundable, unless otherwise agreed upon by the interested parties, including the County, School District and Town/Village. The pre-application fee will be distributed with 75% being retained by the Town/Village and 25% being allocated to the County; and

WHEREAS, official inquiry is defined as, "first contact, including introductory meeting(s), with project host-community officials by renewable energy developer(s) that requires an official host community written response of any kind"; and

WHEREAS, no Renewable / Industrial Wind Energy or other energy project planning, including site surveys, public hearings, etc. will be undertaken until pre-application fee is paid in full by project developer/owner; and

WHEREAS, in addition, a PILOT agreement will be negotiated and agreed upon between the County, School District, Town, and Village (where applicable) subject to a minimum of \$20,000 per mW, or full value taxation, payable to and distributed between Schoharie County, School District and Town and Village (where applicable); and

WHEREAS, this fee schedule does not include application zoning fees required by the Code Enforcement Officer nor the inclusion of any accepted decommissioning plan which shall be distinct and separate from the pre-application fee and PILOT agreement; now, therefore, be it hereby

RESOLVED, that any and all agreements be subject to final approval by Schoharie County Industrial Development Agency (IDA), and be it further

RESOLVED, that each municipality who shall enter either "Opt-In or Opt-Out" is requested to provide the Clerk of this Board with a copy of its Resolution.

Sheryl Lagotian
Clerk-Board of Supervisors

[Signature]
County Attorney

APPROVED AS TO FORM AND LEGALITY.

Dated: January 20, 2022
Filed: January 20, 2022

STATE OF NEW YORK
COUNTY OF SCHOHARIE ss:

I, the undersigned, Clerk of the Board of Supervisors of the County of Schoharie, New York, DO HEREBY CERTIFY that I have compared the above copy of a resolution with the original resolution adopted by the Board of Supervisors of said County on the 21st day of January 2022 at a regular meeting of said Board and said copy is a true copy of said resolution and of the whole thereof.

I, FURTHER CERTIFY, that at the time said resolution was adopted said Board was comprised of 16 members, with total weighted vote of 2974 and votes were cast as follows: Yes 2331, No, _____, Absent, 643, Laraway, Rosa, Skowfoe

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Board this 21st day of January, 2022.

Sheryl Lagotian Clerk,
Board of Supervisors of the County of Schoharie