

# **TOWN OF KIRKWOOD PUBLIC HEARING**

**May 31, 2016**

A public hearing regarding the adoption of a Local Law of the Town of Kirkwood for the year 2016 entitled "A Local Law Opting Out of the Solar, Wind and Farm Energy Real Property Tax Exemption Provided by RPTL Sec. 487" was held on May 31, 2016 at 6:00 PM at the Joseph A. Griffin Town Hall with Supervisor Gordon Kniffen presiding.

Present: Supervisor Gordon Kniffen  
Councilman Robert Weingartner  
Councilman Lewis Grubham  
Councilwoman Linda Yonchuk  
Councilman William Diffendorf, Jr.

Also Present: Oliver Blaise III, Attorney  
Gayle Diffendorf, Town Clerk  
Raymond Coolbaugh, Commissioner of Public Works  
Chad Moran, Building & Code Inspector

Supervisor Kniffen stated that if the Board does nothing, the property tax exemption would be for 15 years which is not what they want.

Supervisor Kniffen opened the hearing to public comment.

Adam Flint, a resident of Vestal and manager of Southern Tier Solar Works program locally for Binghamton Regional Sustainability, addressed the Board stating that he wanted to share some information regarding both of the local laws. He provided: 2 flyers regarding a series of trainings that are taking place at the Broome County Public Library on June 7<sup>th</sup> and at the Chenango Town Hall on June 29<sup>th</sup>, an Agriculture and Markets/NYSERDA sheet regarding solar information and a copy of the NYS model solar law. He said last July the Public Service Commission passed a regulation allowing for the first time community shared solar. This is basically what will allow anyone, including low and moderate income people to save energy through solar projects not on their properties. At the moment if you want to go solar you have to do it on your property or you have to be one larger entity. He also referenced the Clean Energy Standard. He attended a session at the Broome County Cooperative Extension and said there was missing information and information that he would not sign off on. They all agreed that the larger deals that are not shared solar, they are more like utility scale, are a), not possible yet to do but they will be in a year or two, b), they are large and require an attorney who knows about land leasing and solar to review them and c), the options should all be considered, and no one is actually obligated to do anything. Mr. Flint reviewed points of misunderstanding that he heard at the Broome County session, one being the amount of land that solar is going to take, which he explained in detail. The Clean Energy Standard says there will be a certain number of megawatts from clean energy, at 50% renewable energy by the year 2030. The calculations that were presented there were as if all of that was from solar, which it won't be; there is wind, roof matted solar, etc. The way the calculations were done was exaggerated. He said the onus is really on the utilities, not anyone else to come up with the 50% by 2030. The utilities will get compensated in various ways. He said in his view they completely failed to incorporate local municipal officials and/or rural people or farmers in any

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meaningful way. If it works then those of us who use energy, especially dairy farms, but homeowners as well, will be able to be compensated. He said there will be a lot of jobs involved, with about 85,000 clean energy jobs in the state and 2,400 in the southern tier counties. In regard to the two local laws the Board is considering he is more concerned with the opt out. He said when you opt out of Section 487 you opt out for everything; solar and wind of any kind. If anyone wants to put solar on their home they are as vulnerable to taxation as someone putting it in on a larger scale. In regard to the nature of the solar market, he said in most of upstate the electric rates are relatively low comparatively speaking to downstate Hudson Valley and the capital district. This means that the margins are not high. If you want to save people money and contractors to make money, this introduces a factor that basically says there will be no solar in the Town of Kirkwood which means there would be no tax revenue as well. However, the areas where larger revenue can be captured are larger projects, certainly the utility scale. The utility scale ties into the transmission grid, being basically a power plant, which is different from other solar. He said he is urging the Board to wait on enacting this until someone attends either of the sessions and the attorney reviews the solar energy law. Although the Town has the industrial park Kirkwood does not get that much revenue out of it whereas they could get revenue out of a PILOT for these things. If they try to get standard tax revenue from the smaller stuff there just won't be any. He said as far as the future of this, he would like to see the economy turn around for kids to have the opportunity to stay here. He said there also has not been a real conversation about balancing land use between farming and energy.

Supervisor Kniffen questioned if they are tax exempt for 15 years how there ever would be negotiations for a PILOT. Mr. Flint said the Board is the permitting authority, the obligation under Section 487 for a developer that wants to do anything of any size is that they write a letter and the Town has 60 days to respond and possibly negotiate a PILOT. He said that happens all the time with the larger projects. He said a PILOT can be done with an opt out too, but people will be discouraged. There are 900 taxing authorities in New York so one of the things the state has been trying to do is to get municipalities to have a unified rooftop solar permit, which is really cookie cutter, and you can get \$5,000 for doing that. He said this law has been around since 1977. Supervisor Kniffen said if they adopt this they always have the right to rescind it at any time if they learn more.

Hearing no additional comments, Supervisor Kniffen ordered the hearing closed at 6:18 PM.

Respectfully submitted,

Gayle M. Diffendorf  
Town Clerk