

## RESOLUTION NO. 103

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

OFFERED BY:

Don Airey &  
Leo McAllister

Who moved its adoption

SECONDED BY:

Richard Lape

Chairman Rules & Regulation Committee

WHEREAS, numerous renewable energy solar companies have at least a speculative desire to site renewable energy solar facilities in municipalities throughout Schoharie County; and

WHEREAS, the majority of the siting and regulatory burden is placed upon the Town and Village in which they are located, as the Town or Village is the lead agency and overseer of the Comprehensive Plan[s] and Land Use Codes;

WHEREAS, municipalities and School Districts throughout Schoharie County intend to be cooperative with solar/renewable energy companies in an effort to support the renewable energy goals of Governor Cuomo, but want fair and equitable uniformity throughout the County; and

WHEREAS, much time, energy and taxpayer dollars are necessary to accommodate the 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 on the limited resources of local municipalities with an essentially de facto unfunded mandate imposed by the State; and

WHEREAS, a unreasonably heavy demand 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 the 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 \$10,000.00 per rated mW project capacity will be required by renewable energy companies and payable to the host Town/Village; however a minimum compensatory rate of \$25,000.00 will be payable for projects with rated capacities of less than 2.5 mW; and

WHEREAS, a maximum pre-application fee of \$150,000.00 will be required and 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 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 preapplication fee will be distributed with 75% being divided and 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, meaning Code Enforcement Officer, Planning Board, or Town/Village Boards, by renewable energy developer[s] that requires an official host community written response of any kind". First contact shall not include a FOIL request; and

WHEREAS, no solar energy or other energy project planning, including site surveys, public hearings, etc. will be undertaken until pre-application fee is paid 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 \$25,000 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 escrow zoning fees, application zoning fees required by 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

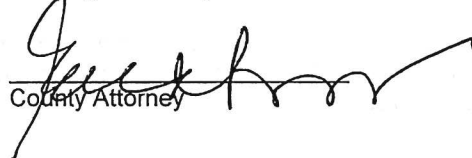
RESOLVED, that any and all agreements shall be subject to final approval by Schoharie County Industrial Development Agency [IDA]; and be it further

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

Dated: December 19, 2019  
Filed: December 19, 2019

  
Clerk Board of Supervisors

APPROVED AS TO FORM AND LEGALITY.


  
County Attorney

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 20 day of December, 2019, 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 2648, No, 0, Absent 326, Tavenner

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Board this 20 day of December, 2019.

  
Clerk,  
Board of Supervisors of the County of Schoharie