

TOWN OF CONCORD BOARD  
PUBLIC HEARING (continuation)  
RIC Energy Solar Project Special Use Permit

August 27, 2024  
7 p.m.

PUBLIC HEARING OPENED BY PHILIP DROZD, SUPERVISOR

ROLL CALL:

PRESENT: PHILIP DROZD, SUPERVISOR  
CLYDE M. DRAKE, COUNCIL MEMBER  
KENNETH D. ZITTEL, COUNCIL MEMBER  
KIMBERLY S. KRZEMIEN, COUNCIL MEMBER  
KENNETH KASSEL, COUNCIL MEMBER

ALSO PRESENT: DARLENE G. SCHWEIKERT, Town Clerk  
CALEB HENNING, MDA Consulting Engineers

Residents signed Sign-In sheet; see attached.

Supervisor Drozd opened the Public Hearing at 7 p.m. and introduced the Town Board members, Town Clerk and Mr. Henning from MDA Consulting Engineers; Supervisor Drozd led the Pledge of Allegiance.

Supervisor Drozd asked if there were people in attendance tonight that did not have a chance to speak at the prior Public Hearing or was not at the first one, come to the podium and state your name for the record.

Ms. Caruana: She had an article from Energy Spies: The Dark Side of Solar dated June 21, 2023 which noted that the mining and manufacturing of solar panels requires a significant amount of energy and resources. The mining and processing alone result in large amounts of greenhouse gases. Solar power plants consume a considerable amount of water during the cleaning and cooling process. The water requirements range from 20,000 to 60,000 gallons per megawatt hour of electricity produced. Solar power can exert additional stress on the already depleting water resources. The use of toxic chemicals includes sulfuric acid and hydrochloric acid. Solar panel production also requires vast amounts of fossil fuels such as coal and natural gas. The production of a single solar panel requires more than 10 times the amount of energy it will produce in its lifetime. The transportation of raw materials also contributes to carbon emissions which negatively impacts our environment. She referenced another article written on July 19, 2023 entitled, "Solar Panels Produce Tons of Toxic Waste-Literally", David Nguyen, PhD said that toxic chemicals in solar panels include cadmium telluride, copper indium selenide, cadmium gallium (di)selenide, copper indium gallium (di)selenide, hexafluoroethane, lead and polyvinyl fluoride. One of the most toxic chemicals needed to make the monocrystalline and polycrystalline panels is created as a by-product of this process called silicon tetrachloride. If not handled properly, it can cause burns to your skin, harmful air pollutants that increase lung disease and if exposed to water can release hydrochloric acid, which is a corrosive substance bad for human and environmental health. Cadmium compound exposure can lead to serious lung irritation and long-lasting impairment of pulmonary functions, not considering lead exposure. Stanford Magazine points out that solar energy has a higher carbon imprint than wind and nuclear energy. Ray Weiss, professor of Geochemistry at Scripps Institution of Oceanography, explains that a number of solar panels release nitrogen trifluoride (TF3) which is a chemical compound 17,000 times worse for the atmosphere than carbon dioxide. We must also consider the negative impact that solar energy has on our wildlife. Birds are especially susceptible to injury particularly during the migratory season. The birds do not see the panels until it is too late. Panels can also disrupt nesting patterns and the reflective surface can draw the birds into nests in unsafe locations. Bats use eco locations to navigate and can be disoriented by the reflective surfaces. These large panels can fragment and alter the habitat making it more difficult to find food, shelter and breeding sites. Disrupting ecology. One of the primary negative impacts of solar energy is the massive amounts of land that is required; they lead to soil erosion and increased water

runoff. The Harvard Business Review June 2021 projected a solar trash wave; the accumulative waste projection will rise sooner and more sharply than most analysts projected. The International Renewable Energy Agency allows for some panel replacement before the 30-year term projects 50 times more waste in just four years than IRENA anticipated. That translates to 315,000 metric tons of waste. These projections are alarming but this analysis of data has been restricted to residential installations. Adding commercial and industrial panels the replacement tons of waste could be astronomical. The solar companies and our government are not prepared to handle this waste. It is fiscally cheaper to send the solar panels to a landfill which in 2021 was \$1 to \$2 per panel as opposed to \$20 to \$30 per panel to recycle them. That is only part of the recycling process. These are delicate and bulky panels that require specialized labor to disassemble them. Some may shatter leaving debris all over the fields; some states classify solar panels as hazardous waste that can only be transported at designated times and designated routes. Looking ahead to 2035 it is estimated that discarded panels would outweigh new units sold by 2.56 times. The economics of solar seems like a promising alternative, however, it appears that the industry may sink under the weight of its own trash. She also the Board to consider those who are forced to live next to these projects; possibly for the rest of their lives. It is especially egregious when the owner does not even live there nor have to look at solar panels every day. She thanked the Board and those in attendance clapped.

George Ballantyne: There are some hard facts that the Town has to look at: (1) The United States is using more and more electricity. Anywhere you look, everything is going to electric. The fact remains that if you don't produce electricity, where is it going to come from? We don't wind mills, we don't want solar. There's only so much hydro that can be used so where is all this electricity going to come from. (2) and this is just for the Board. He has heard rumors that this particular piece of property is being considered to build houses on it. Do you know anything about this being broken up for housing? Supervisor Drozd noted that there have been no plans before the Town, the Planning Board. He has not seen anything on paperwork in this regard.

Supervisor Drozd asked if there were any other questions. Anyone here from the first meeting that wants to address the Board? There were none at this time. Supervisor Drozd asked Caleb Henning, MDA, to review the project with those in attendance. He also advised those in attendance that there will be no decision made on this matter tonight; Mr. Henning can explain why there will be no decision here tonight or in the next week.

Caleb Henning: He informed those in attendance that he is part owner of MDA Consulting Engineers and their firm has been the consulting engineer for the Town of Concord for about 30 years. As the Town Engineer, they are assisting the Town in the technical review of this project as well as the helping them step through the environmental review process; SEQR. State Environment Quality Review process. The Planning Board has declared the application to be complete and referred it to the Town Board. The Town Board's responsibility is to hold the Public Hearing on the Special Use Permit and to conduct the SEQR process. During that process, MDA has had a chance to review the application material and gave the Town a letter which was then forwarded to the developer, that included a bunch of review comments asking for additional information about various aspects of the project. These were questions MDA had about the project in order to feel that they are able to properly help the Town do the environmental review. At this point, the Town has completed the Lead Agency solicitation for requests for comments from involved agencies. A couple of comments have come back from the DEC, Erie County Department of Environment and Planning. Once we get clarification from the developer about the additional questions, then MDA will help the Town step through Part II of the Environmental Assessment Form. Part II has a lot of very detailed questions that are split up into sections that help the Town to evaluate how the project will impact things like ground water, surface water, erosion, visual impacts. The form really focuses on visual impacts. The questions are put together for every project asking about waste water, water consumed, electric consumed, traffic. It is a very thorough environmental review process. MDA will help the Town step through this; each question of Part II and determine whether the project has no or a

small impact, or yes, to a large impact, on each one of those environmental resources. After that the Town will conclude that the project as a whole has no impact, or that the potential impacts have been adequately mitigated and then the Town could issue a negative declaration to the project or the Town could essentially issue a positive declaration and require an Environmental Impact Statement be prepared. At this time, MDA and the Town does not know where it will go yet because the Town does not yet have the final answers from the applicant. This is where the Town stands; MDA has looked through the application and it is a very complete application. There is very detailed information on items like decommissioning and maintenance and emergency response. A couple of the questions MDA had, had to do with the impact to the agricultural field and what was going to happen to the soil in the field because there is a little bit of grading proposed. His concern is making sure that the soil is not permanently destroyed for agricultural use. We know that a solar farm like this basically makes the field unusable for planting corn or soybeans while it is taking place but it is not the same impact as putting a housing development in there, or a waste water treatment plant. Other ways to develop this land would permanently remove the field from agricultural use. This type of a project recognizes that after the solar field reaches its full potential and is removed, the field can return to agricultural. There are impacts but they are not as permanent and long-lasting as other types of projects that could be put here. That is the update so far, we are in a holding pattern at this point waiting for the additional information from the applicant and then when the Town is ready, they can continue the environmental review.

(At this time in the Public Hearing, the residents stopped coming to the podium and introducing themselves. It was very difficult to hear what was being said and who was commenting.)

Ms. Caruana directed a question to Mr. Henning: "You are familiar with aquifers and how the water runs because "it" runs downhill. Springville, Collins; these waters run into many towns; not just one. What if there is a tornado or hail, and the panels are broken and the chemicals leech into the soil and following a path of water. That is nothing that can be done once that water is destroyed. She noted that after 30 years and decommissioning that the land would not be great. If one panel were to break, nothing would grow in that piece of soil for more than our lifetimes.

Male: He had a solar sensor break and nothing grew in that spot for ten years. Mr. Henning said he knows that solar panels like they are putting in this application are designed are designed to withstand hail. They are not as fragile as one might think; or as fragile as a solar panel that you might get on a sensor. They have quite strong tempered glass on top to protect them from those types of things. MDA does not dive into the details of all of the exact chemical makeup of the product being used but they do try to, from a broad point of view, take those things into consideration. Ms. Caruana doesn't think that MDA is doing their due diligence; she does not have the specifics but she had read an article from Colorado where they were fields of solar panels that were destroyed by hail. Someone else said it has also happened in Texas. He also asked if the DEC was directly involved in this or is it up to the agency contractor who is doing the study to determine the impact. Mr. Henning advised that the Town is lead agency so the Town is the agency taking the lead on this environmental review. As with this type of project, the comments from involved agencies are solicited. There was a mailing, notification of the project, that went out to all involved agencies. The DEC is one of them so the DEC has someone in house that takes a look at every one of these projects that crosses their desk and they produce a letter than has comments on various concerns for the potential of environmental impact from projects ranging from a public sewer system, water systems, to solar projects like this. The DEC is involved and provides comments on every project like this. Ms. Caruana asked if what Mr. Henning was saying was that there is no independently hired people to do these studies; it's the company having their people sending the information to the DEC and you don't have an independent person who has nothing to do with the project; who would go in on behalf of the Town to do an honest job. Mr. Henning advised that the process is set up through State Law; the Town is the lead agency and is the one responsible for conducting this lead agency environmental review and MDA as the Town's engineer are reviewing it for the Town. Ms. Caruana said that we are working for Gov. Hochul who is pushing all this

agenda so that doesn't mean anything to her. Mr. Henning advised that the Town is working for constituents; not Gov. Hochul. Ms. Caruana said she is talking about an independent agency to come in and honestly review the watersheds and things like that. Mr. Henning said no, there is not an independent agency, or third party, looking at every piece of the environmental review. There are involved agencies, like the DEC, the Army Corp of Engineers, and all the adjacent towns around Concord, those Town Boards are also involved, FEMA, SHPO (the Agency that reviews historic resources), Parks & Recreation, Fish & Wildlife; all of these agencies are considered involved agencies and review the projects as they pertain, or potentially impact, their expertise. Ms. Caruana said that their salaries come from the State; who pays their salaries. Mr. Henning said there are typically Federal, State, County and Town governments.

Jerry Grasso: His whole problem is that all of those agencies that are being talked about, right now, their leaders are pushing for these types of projects so whether it is good or bad, this is what they want to happen and we have an area down the road that government pushed on people and now it's just a nuclear dump. Mr. Henning noted that he hears what Mr. Grasso was saying and believes that there is some validity to that. There are two examples on this project: (1) Erie County Department of Environment & Planning reviewed the project and their main comments were: interesting in protecting the farmland. So, if the project were approved, Erie County recommended that it be decommissioned in strict conformance of the guidance documents that came out from the Department of Ag & Markets. MDA has reviewed the document and it is pretty strict as far as what measures have to be taken to restore that land. They also reminded the Town, as lead agency, that this project is not really in strict accordance with their Comprehensive Plan. They wanted to point out that the Town's Comprehensive Plan really is to preserve agriculture within its boundaries and although it is a permissible use of this land by current Zoning Code, the Town's Comprehensive Plan is maybe not quite in line with this type of project. (2) NYSERDA does have recommended amounts for decommissioning bonds. The decommissioning bond is the Town's insurance to make sure that this project gets decommissioned when it is all over or when it stops making power. A lot of these projects are starting out by proposing a pretty low decommissioning bond; that probably won't cover the decommissioning costs so this is an example of where NYSERDA is recommending, proposing, that the decommissioning bond that is not really high enough. It is MDA's job to review this and they have reviewed a couple of other solar projects on behalf of other towns and one of their emphases is to make sure that there is a high enough bond to cover that decommissioning. MDA has done some research in this area and have identified some other agencies that have actually looked at what it costs to decommission a solar project like this. The values on a per kilowatt basis are actually a lot higher than what NYSERDA recommends. One of MDA's recommendation to the Town will be that the Town should consider a higher decommissioning bond to make sure there is enough money for decommissioning when this project is over. Ms. Caruana noted that the bond is probably not going to come close to the amount. Her example was that you could buy a whole farm 30 years ago for \$50,000. What are you paying for that now? Just a simple, little postage stamp home. You cannot say that in 30 years that with this solar project, that it will even come close to the cost to decommission this project. They are not even giving you a figure if they were to do it right now. If you think that there will be enough money there for the Town in 30 years of the cost for decommissioning, she would think that it won't even come close to what it will cost.

Male: At the last meeting, the Planning Board turned this down so why is it going any further? Council Member Drake is the Planning Board Liaison; he noted that basically the Planning Board at their meeting agreed that the application was complete and met the Code and passed it on to the Town Board for the Public Hearing. Female said that is not what was said at the last meeting, in the Town record. They said they did not agree with this. Council Member Drake recalled that they voted unanimously to send it to the Town Board.

John Reding: Does the Town get any benefit from this? The only ones that benefit are the people putting this in. They're getting paid by the government. It won't produce enough electricity to pay for it.

Ray Hilliker: He's on the Planning Board and the vote was not unanimous. He voted against it; but it did pass. The key difference here, and he is not speaking for the other Planning Board members, but he honestly thinks that none of them liked it but the Planning Board was only voting on one specific thing and that was: Was their application complete? Did they give us everything we needed to move the application to the next level? And the company did; the Planning Board did not vote whether they liked the project or didn't like the project. We voted if the application was complete; did they meet the setbacks? To be clear, you may have heard that some of the Planning Board members didn't like the project, including himself, but the application was voted on; not the project,

Male: Had a question about the chemicals inside the panels. A DEC officer told him that if they leech into the field, it will never be able to be used for human consumption of food and if that is the case and there is some truth to that, and he's not positive that there is, but when it is cleaned up or decommissioned, will that make it a brownfield that will need to be cleaned up? Mr. Henning noted that a request can be made for more information about the makeup of the solar panels; solar panel technology has improved time over time so it is very likely that they are not using the same exact thing in solar panels today as they were previously. Ms. Caruana advised that some of the studies that she had cited were from 2023 and we are just in 2024. Mr. Henning asked her to send that information to the Town so that they can forward to his office. She said she would.

Mary White: Wants to know why their opinion doesn't count? What they have to say? And Mr. Henning just said that their application was okay; so the next application they put in could be okay. You're not asking if its okay with us. She is very concerned about the groundwater since she lives across the street from it; doesn't want to look at that project and it is never going to be in their hands longer than 3-5 years and it's going to someone else. Mr. Henning advised that this is the opportunity for the Town to get public input as they review the Special Use Permit. The Town ultimately does need to review the project: (1) to make sure that it is in conformance with their current Code and, if it is not, then it is not approvable. (2) they need to carefully step through the environmental review process. They have seen that communities are needing to keep their solar laws up to date so just because this project may be approved under the current law, does not mean that their law could be changed and have different requirements going forward. Zoning laws are one of the things that have to be updated on a regular basis to stay current with the projects being proposed. This meeting is not a meeting where the Town is going to decide whether the project is going through or not. There are still some open-ended questions that have not been answered. He cannot say to the Town what his review is going to conclude. Even if his review concludes one thing, it does not mean that the Town may not have reasons to make a different decision. His role is really to support the Town from the engineering standpoint. Ms. Caruana said that years ago when there was a Town Hall meeting here with David DiPietro, he brought an engineer. He spoke with a lot more expertise than she has but he said that these are 14% efficient. This is just a money grab from the government; they are not efficient. Just like turbines are at the most 26% efficient and gas is 86% efficient. These are 14% efficient; it doesn't make sense. Mr. Henning stated that the efficiency of various technologies for generating electricity depends heavily on every aspect of that technology. When we talk about gas, coal, nuclear power generation plants, there are a lot that goes into those larger plants. Ms. Caruana noted that they are using gas and coal to produce these and turbines are filled with 100 gallons of oil so you can't say that this is better, cleaner, technology because it really is not and it doesn't produce anything.

Male: Question for the Board. Just to make sure that he understands this. After all the information has been gathered, assessed; does it ultimately come down to the Board to approve or deny the project? Supervisor Drozd said yes it does. Male continued that Council Member Zittel will have to recuse himself from the vote; leaving four people to vote. If there are two ayes and two nays, then who is the swing vote?

Supervisor Drozd said that for those who know him, he does not deal with hypothetical situations. Yes, it could happen; it could be a 3-1 vote or a 4-0 vote. He doesn't know yet but the Board will cross that bridge when they get to it. Every situation is different; the Board does not always unanimously. There is a lot of discussion that goes on. The Board will see what happens when that day comes. Every situation needs to be looked at. He does not know where it will go. He is compiling information on his own; he can't speak for the rest of the Board. His wife could tell you how much copier paper he has used; he does this on his own; not at the Town. He does not know what the rest of the Board is doing; if they want to say they can. He is looking into it; he has found some good things and some bad things. He said that Mr. Henning has been doing these for quite a while and he has more knowledge on this; that's why the Town has outside people here.

John Reding: His understanding is that all towns are trying to hold these out; the people are against them. The people should count. Supervisor Drozd said that was true.

Male: From what he hears, we are all paying for the electric for the grid to be stabilized because of the inconsistency of power with this green energy. He is not sure if this is true or not. He'd like to find someone to tell him with positivity that, yes, the grid has to change because of the inconsistency of power. And if it is true, one person is getting rich off this deal and everyone else is paying for the inconsistencies in the grid to stabilize it. How fair is that? We live in a democracy. If democrats want to share the wealth, so how does one person get rich and the rest of us have to pay for it? That is not sharing the wealth. Supervisor Drozd advised that the Town put a moratorium on for one year so that the Town can learn and try to learn what is going on. He talked about a battery fire going on in Brockport at Sun King recycling. He will try to find out what happened and exposure. Supervisor Drozd pointed out that this project was put in before the one-year moratorium so the moratorium does not apply to this project

Ray Hilliker: He heard bits and pieces and it wasn't clear to him. He sees that the Town is spending a lot of resources in evaluating this project right from the work the Planning Board has done and MDA deserves a wage for his review. Is the Town being compensated for this? And if so, how much? What is the scale? He doesn't know if this is a question for Mr. Henning or the Town Board, but he would like to know who is paying MDA's work on this project? Who is paying for the due diligence? Supervisor Drozd advised that the Town did receive \$15,000 escrow for legal and engineering fees. Mr. Henning advised that he is working for the Town; his bills are being paid from the Town; however, the Town is legally allowed to charge the applicant to cover those expenses. Mr. Hilliker asked if the Town could get the full costs of the project if it goes over that or are the taxpayers on the hook for that. Supervisor Drozd said that to be fair, he will let RIC Energy representatives speak tonight and this may be something that they would answer. Peter Sorgi, the project attorney, advised that he believes the way this is set up is that the initial funds go into an escrow account so \$15,000 was deposited. If the total bills are \$10,000, the Town would refund the money; if it is over that, the Town will ask for more money. Supervisor Drozd asked if Mr. Sorgi had anything else he would like to say.

Peter Sorgi, Esq: Advised that they are listening and taking down the issues. They will respond in writing and anyone in the public can get that information. One thing he wanted to make clear was that this Board can't vote and say I like it, or I don't like it. Does it meet the criteria in the Code? Thus far it has just simply met the criteria in the application. The way the law works in New York State, property rights in New York State, there are criteria to be met in the Code. Someone could say I love this project but it doesn't meet the criteria in the Code, so they have to vote no. The opposite of that is that they can say I don't want this project, but it meets the criteria and I'm obligated to vote yes. So, none of these Board members can vote whether they like it or they don't. That is very important to note. The process has to play out. The applicant will respond with the answers to the Town's questions and move forward

Ms. Caruana: Had one more comment about a study in Australia; they are ahead of us in some of these areas. Because they didn't have the electrical infrastructure either, they are looking at, she thinks it was 2023, a 30% increase in their electric bills to help pay for infrastructure. They say these would save money and helping the environment, it is costing a fortune. Mr. Henning responded that at least in New York State and he has seen the paperwork for this project, the applicant proposes a site after looking at some of the existing infrastructure that's already there at the grid and they make an application to the power company. The power company has their own engineers evaluate the grid's capability and what upgrades are needed and the applicant has to pay for that. That is not necessarily a cost that is getting rolled into everyone's electric bill here. Ms. Caruana said that that will be interesting to see.

Male: Commented that the further the distance they travel, the more that they lose. If New York State thinks this is such a great idea, why don't they put it down the Expressway where the power line is right there, all across the State. They are ugly anyhow; why are we ruining farmland when we have waste land all across New York State on these roads. If this is such a big money maker, they ought to be reducing our taxes. Ask yourself that question. Why doesn't New York State do that? Supervisor Drozd said that they should contact their State Senators. Male said he was talking to the Town about it.

Ray Hilliker: Wanted to make a comment in response to Mr. Sorgi's statement. Why are we having a Public Hearing if it doesn't matter what the public thinks? The taxpayers voted for the Board to make the best decisions for the residents. Council Member Krzemien said that she thinks it does matter. Mr. Sorgi said that he did not say that it doesn't matter? He said that the Board can't just deny or approve something because they like it or they don't like it. Don't put words in his mouth. He never said that nobody's opinion here matters; you did not hear that from his mouth. (There were many people talking over each other at this time.) Mr. Sorgi said that no one is going to vote and say I hereby vote in favor of this because I like the project. There are criteria that need to be followed so it is not just simply they like it or don't it. During the SEQR process, if there are environmental concerns that are raised, it is the Town Board's job to take a hard look at it; following DEC regulations. They have to identify relevant areas of environmental concerns and take a hard look at them and make their decision based upon that. Then the applicant has to respond to those concerns. They are writing down the concerns discussed and will respond to them. That is part of the Public Hearing process.

Supervisor Drozd asked if there was anyone else. He discussed some of the other on-going projects of the Town: wastewater treatment plant, senior center, library, Ross Road Bridge; all projects end up on the Supervisor's desk. He doesn't mind taking calls from residents but wants all the Board to hear the concerns so that is why Public Hearings are held. He wants the public to come out, speak their minds, so the entire Board can hear; they are not here during the day.

Female: Noted that Mr. Sorgi brought up that if there were environmental concerns we should bring them up. Are there any statistics on decommissioned being returned to farmland? There are cables underground, there could be battery leaks, the actual braces that hold the panels have lead, different things decompose differently in the soil. She just wonders how do you turn that back to farmland when it has been that way for 30 years? Where are the statistics showing that that soil can go back to farmland? Mr. Henning noted that they have reviewed the Ag & Markets documents; they have a very detailed process about what to be removed on a project like this and that includes the wires. Everything has to be removed from the ground. Most of the projects that he has reviewed have had a steel foundation; does not have lead in it. It may be galvanized steel but galvanization is done to keep it from rusting as badly as it would otherwise and that is done all over the place; like guardrails. Female asked how far the stakes go down in the ground; Mr. Henning, about 4 feet; either helio style with a screw on it which is drilled in that provides a firm foundation or just straight driven down. He would say that the foundations for this project are very minimally invasive. He grew up on dairy farms in Ohio and is familiar with tilling and crops and dairy cows; and he believes from what he has seen from the projects that are going in now, he would not have reservations about farming the land. Also, the solar panel projects that are proposed here does not have

battery storage. Technology, and the market, is moving so fast that it is hard for rural towns like Concord, Machias, Ellicottville, to keep up with the moving technology. They hire professionals to try to do that; they hired consultants working with them to keep their zoning laws up to date and that is important. That's how a town can continue preserving the Town of Concord for its residents. He would say that larger scale battery storage is in serious need across the country and because of that need, there is a lot of drive to develop that technology. Those pose a whole different set of risks compared to the solar panel project like this project. We don't have to be concerned with those risks on this project because they are not providing on site storage.

Mr. Sorgi: He noted that there were some questions and they are listening. First of all, the project is taking place on about a third of the land that is there. No one knows what the cost will be to decommission in 30 years. The way that this is set up is the bond amount will increase by a certain percentage every year and every five years it will be reviewed. If there's inflation or the cost of something goes clearly the roof, even higher than they expect, that gets adjusted. What happens is that the company has to increase the amount of money. If they don't increase the money, the Town can figuratively and literally pull the plug on the project and take it all down. There is an escalator clause for five years to look at it so when you get to year 25 they will know exactly what it has to be. That is why it is good that these questions are being asked.

Tracy Drozd: What happens if the company goes out of business? Mr. Sorgi said it is a bond so it doesn't matter if the company goes out of business or not. A bond is a pot of money that a financial institution has and the Town would say they are going to exercise that bond and take that money.

Male: What happens where we get 4 feet of snow on those solar panels? Mr. Henning said that this particularly project has a tilting, mounting racking system so the panels would drop the snow off of them. Male: He'd like to see that.

There were a bunch of people talking over each other but a question had to do with soil testing. Mr. Henning said that a solar panel that is undamaged is not really imposing a threat to the environment. If anything, perhaps the Town would consider, what is the risk if no panels were damaged, upon what is the risk upon getting certain types of damage. That might trigger some kind of soil testing.

Jerry Grasso: How does the Town benefit from this project? If none, why should we support this project? The residents were saying there is none. We're going to build this project on our farmland and not get anything. Mr. Henning said that he is not an advocate for the applicant here but he does want to remind everyone that one of the benefits to the residents in the vicinity of the project is a reduction on their electric bill. The residents laughed, disagreed. A project like this does add value to the property so the Town in some way does benefit.

Gentleman: It was stated that there will be no battery storage on site. Will there be invertors and transporters? Mr. Henning said he believes there are.

Julie Zybert: When you build a house or make improvements to your property, your taxes increase based on that work. Does the Town benefit, say this project is \$2,000,000, is that property going to be reassessed and will the Town get additional taxes on this? Supervisor Drozd said the taxes would go up; they will be assessed for what is on the property. Mrs. Zybert said that the Town would benefit from having a large-scale solar farm. There would be some revenue. Supervisor Drozd told the residents to keep in mind that the Erie County Executive is on a fast track to take over the Assessor's office with a countywide assessment office so if this project goes through, the assessment for the property could be done by the County and the Town will not have a say in it if the County does a countywide assessing; it will be what the County says it is worth. Cattaraugus County has this countywide assessing for most of their towns. This is going to be in the County budget and is happening real quick. He recommended that residents call their County Legislators and voice their opinions. A lot of things may change assessment-wise if this goes through.



Bob Laskowski: This is being driven from the top down; by the Federal government and the Green New Deal.

Supervisor Drozd: This is a small community and we have been friends for years; it is tough when something like this comes to your Town. This is his opinion.

Mary Carol Dearing: Thanked all of them for their consideration of this project. It is clear there is so much passion around this. She lives in the area of this proposed project and she is very passionate about the environment as well. We are moving toward more electric; the cost to our climate because of fossil fuel use and we cannot continue on the track that we are on; we have to make changes. Unfortunately, she thinks our local communities are paying the price for this. She would love to see solar panels along the Thruways or other places. She thinks this is more of an issue of land use and where these companies coming in can actually being the process. She thought the solar panels on top of the Galleria Mall and flat roofs were be awesome all-over Western New York. It's just not that easy. She thinks we need to think about the three C's: Climate is first; we desperately need to do something about our climate. This is where solar, wind energy come in. She is not one of those not in my backyard person but we also need to consider our community and that is where conversations like this come in. Our rural community is special to us; how can we figure out ways to make these projects under consideration as we look very closely at these kinds of proposals. We also have to think about conservation. The three C's are: Climate, Community and Conservation. She thinks that there is a lot of talk out there about threats to wildlife but she does not know enough about it and does not believe a lot of it. She knows that there are more threats because of climate change. The species lost, being experienced daily, is ridiculous; we need to do something about it. Again, we don't want to do it at the cost of quality of the life we know here. She would ask this Board, and her suspicion is that this is probably the first time that they have been put in this position; she knows that there is the Genesee Road project in the pipeline; but she knows there will be more on private property as this one is; this gives the Board an opportunity on how to gather information, and what the Board considers; listen to the voices on all sides, because this is not stopping and it shouldn't. We need to move forward; not be stagnant.

Male: Stated that the ex-President of Green Peace said that if the Green New Deal goes through it will destroy our planet. It will be the devastation of our planet. He encouraged the Board to do their homework on this.

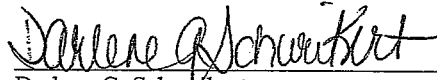
Supervisor Drozd: Wanted to share that the Town just received a grant for a garage for the Senior Center Van and the new building will be set up for an electric van; our next van from the County will probably be electric. The Town is thinking ahead. We are thinking proactively.

Mr. Henning: Wanted to point out that just because this parcel may stay as farmland, does not mean that there is no risk to the environment. He gave an example of a combine burning to the ground, that is a risk. They are carrying hundreds of gallons of gas and oil and going through fields that are being used. Keeping this particular field as a farm field means there is no risk to the environment. He wanted everyone to keep that in mind that the disapproval of this project doesn't mean that we are protecting the environment from all this. Residents had some muffled comments to this statement.

Supervisor Drozd asked if there were any other questions or comments. There were none. Supervisor Drozd thanked everyone for coming this evening. He advised that if anything else comes to the Town or if the Town has to do something else, we will post on the Town's website and signboard at Town Hall; publish in the Springville Journal. He wants everyone to know; doesn't want anyone to come back and say they didn't know; give fair warning. It will be published in the Springville Journal, the Town's official paper, and the affected people will get a letter. He thanked everyone for coming.

Motion by Council Member Drake, seconded by Council Member Krzemien, to close the Public Hearing at 8:16 p.m. Council Members Drake, Snyder & Krzemien; Supervisor Drozd, voting aye; Council Member Zittel, abstained. Carried.

Kenneth Gross had submitted a letter dated June 8, 2024 to the Board prior to the June Public Hearing and on August 6, 2024 he requested that his same letter be part of this meeting. Town Clerk Schweikert will attach his letter to the Minutes.



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Darlene G. Schweikert  
Town Clerk

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## Public Hearing on Solar Field

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kenneth gross <grossducati@gmail.com>

Wed, Aug 7, 2024 at 8:28 AM

To: Darlene Schweikert <townclerk@townofconcordny.com>

Dear Darlene-

As we discussed yesterday at the Town Hall I am once again scheduled to be out of town on the date(August 27) of the next hearing on the solar field. I will try to get back in time for the meeting but would appreciate it if you would re-share my prior letter with participants at the meetig as it contains points I would reiterate if attending. I would add that I think those residents bordering the proposed solar field should consider collectively petitioning the appropriate authorities for a reduction in their assessed property evaluations if the solar field project gains approval and proceeds. In my view I believe there will be such an impact on the value of the property.

Sincerely,

Ken Gross  
12977 Springville Boston Rd property owner

Residence:  
11559 Springville Boston Rd  
East Concord, NY 14055

[Quoted text hidden]



**Solar Project 2024.docx**

32K

To: Members of the Town Board, Town of Concord.

From: Kenneth Gross(owner of 12077 Springville Boston Rd, East Concord)

Date: June 8, 2024

I'm writing in reference to the Public Hearing scheduled for 6PM June 13<sup>th</sup> that will focus on a request for a Special Use Permit for a Solar Project on Springville Boston Rd. Unfortunately, I will not be able to attend the meeting owing to a prior travel commitment. I believe I own property immediately adjacent to the proposed site of the solar field. I would like to offer some commentary on the project.

While I am reluctant to interfere with a longtime good neighbor's effort to maximize the value, in their view, of their land in a legal way that does not interfere with my own, I would like to raise some points for clarification. I think it likely that many of these points will be raised by others, but I will list them anyway.

Firstly, I would hope that serious consideration will be accorded to addressing whether there is any potential for contamination of the underlying aquifer. Even if minor, this would have disastrous effects for any parties affected.

Secondly, how will future costs be assessed for ensuring remediation of the land when and if the solar field is de-activated(or not completed)? With the current embracement of wind turbines and solar fields, all of which have finite lifetimes, I have visions of a 'Salvador Dali-esque' landscape of broken windmills and broken solar panels littering good farm land. One need only look at the flour and steel mills on the Buffalo waterfront to see how proper remediation can be avoided.

Finally, given all the concerns about climate change and fading aquifers in the vast agricultural centers of the Great Plains and Central Valley of California, the loss of good arable land near major population centers seems questionable. Much of the land has already been converted to shopping malls and suburban tract housing.

I would add that I am somewhat disappointed that a member of a longtime farming family would be embracing this effort, particularly, while representing the general population of Concord, even if recused on the issue.

I will be happy to expand upon any points at a time more mutually convenient.

# MEETING ATTENDANCE SIGN-IN

Meeting Date: Tuesday, August 27, 2024

Committee/Board: Town Board-Continuation of RIC Energy Solar Special Use Permit

Please PRINT your name clearly to assure the correct spelling in the minutes of this meeting

- |                                |                             |
|--------------------------------|-----------------------------|
| 1. <u>JERRY GRASSO</u>         | 16. <u>Emery Hilliker</u>   |
| 2. <u>Bob Laskowski</u>        | 17. <u>Kelsey Kaufman</u>   |
| 3. <u>Sue Laskowski</u>        | 18. <u>Sara Tolma</u>       |
| 4. <u>Mary Ball</u>            | 19. <u>Patrick Tolma</u>    |
| 5. <u>Dan Curran</u>           | 20. <u>George Donhaesen</u> |
| 6. <u>Mary White</u>           | 21. <u>Dale Huffey</u>      |
| 7. <u>Campton White</u>        | 22. <u>Arnette Huffey</u>   |
| 8. <u>Megan Kremien</u>        | 23. <u>Carol Black</u>      |
| 9. <u>John's Marsha Reding</u> | 24. _____                   |
| 10. <u>WANDA KRACZYK</u>       | 25. _____                   |
| 11. <u>JULIE ZYBERT</u>        | 26. _____                   |
| 12. <u>Gail Swierkowski</u>    | 27. _____                   |
| 13. <u>Poay Swakoush</u>       | 28. _____                   |
| 14. <u>DAVE DAINS</u>          | 29. _____                   |
| 15. <u>Ray Hilliker</u>        | 30. _____                   |

# MEETING ATTENDANCE SIGN-IN

Meeting Date: Tuesday, August 27, 2024

Committee/Board: Town Board-Continuation of RIC Energy Solar Special Use Permit

Please PRINT your name clearly to assure the correct spelling in the minutes of this meeting

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|--------------------------------|-----------|
| 1. <u>Mary Carol Dearing</u>   | 16. _____ |
| 2. <u>Ricki Howe</u>           | 17. _____ |
| 3. <u>Samantha Parker Fann</u> | 18. _____ |
| 4. <u>Peter Sorgi</u>          | 19. _____ |
| 5. <u>Diane Klingensmith</u>   | 20. _____ |
| 6. <u>John Arcocast</u>        | 21. _____ |
| 7. <u>Jenny Wiede</u>          | 22. _____ |
| 8. <u>Tracy Gray</u>           | 23. _____ |
| 9. _____                       | 24. _____ |
| 10. _____                      | 25. _____ |
| 11. _____                      | 26. _____ |
| 12. _____                      | 27. _____ |
| 13. _____                      | 28. _____ |
| 14. _____                      | 29. _____ |
| 15. _____                      | 30. _____ |