



FILED MAR 31 2020 8:43

March 30, 2020

LETTER TO: NEW YORK STATE COUNTY LEGISLATORS, SUPERVISORS, CLERKS  
SUBJECT: OUR OBJECTIONS TO ARTICLE 23, BUDGET PROPOSAL TO FAST TRACK  
"RENEWABLES" AND OUR MUTUAL INTEREST IN PRESERVING NEW YORK STATE  
FROM REMOVAL OF COMMUNITY CHOICE, AND OBLITERATION OF HOME RULE

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TO: **Stephen J. Acquario, Esq. Executive Director, NYSAC,**  
[saquario@nysac.org](mailto:saquario@nysac.org)

**Karen Catalfamo, Financial Manager, NYSAC** [kcatalfamo@nysac.org](mailto:kcatalfamo@nysac.org)

**New York State Association of Counties**  
**540 Broadway, 5th Floor**  
**Albany, NY 1220**

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**YATES COUNTY:** Douglas Paddock, [dpaddock@yatescounty.org](mailto:dpaddock@yatescounty.org)

CLERK CONNIE HAYES, LEGISLATURE CLERK [CHAYES@YATESCOUNTY.ORG](mailto:CHAYES@YATESCOUNTY.ORG)

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**WYOMING COUNTY:** DOUGLAS BERWANGER, CHAIRMAN BOARD OF SUPERVISORS

[adberwanger@wyomingco.net](mailto:adberwanger@wyomingco.net)

CLERK, BOARD OF SUPERVISORS: CHERYL KETCHUM [CKETCHUM@WYOMINGCO.NET](mailto:CKETCHUM@WYOMINGCO.NET)

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**WESTCHESTER COUNTY:** EXECUTIVE GEORGE LATIMER, [GLATIMER@WESTCHESTERGOV.COM](mailto:GLATIMER@WESTCHESTERGOV.COM)

Chair Board of Legislators: Benjamin Boykin II [boykin@westchesterlegislators.com](mailto:boykin@westchesterlegislators.com)

Chief Clerk and Administrative Officer: Sunday Vanderberg, [mav5@westchestergov.com](mailto:mav5@westchestergov.com)

County Clerk: Timothy Idoni [tc2@westchestergov.com](mailto:tc2@westchestergov.com)

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**WAYNE COUNTY:** Chairman Board of Supervisors Steven LeRoy [smleroy@rochester.rr.com](mailto:smleroy@rochester.rr.com)

Clerk Board of Supervisors Sandra J Sloane [ssloane@co.wayne.ny.us](mailto:ssloane@co.wayne.ny.us)

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**WASHINGTON COUNTY:** Chairman Board of Supervisors Robert A Hanke [rhanke@co.washington.ny.us](mailto:rhanke@co.washington.ny.us)

Clerk, board of Supervisors, Debra R Prehoda [dprehoda@co.washington.ny.us](mailto:dprehoda@co.washington.ny.us)

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**WARREN COUNTY:** Chairman, Board of Supervisors, Ronald F Conover, [supervisor@town.bolton.ny.us](mailto:supervisor@town.bolton.ny.us)



Clerk Aaron M Martin [aaron.martin@broomecounty.us](mailto:aaron.martin@broomecounty.us)

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**ALLEGANY COUNTY:** CHAIR BOARD OF LEGISLATORS CURTIS W CRANDALL

[CRANDALLCW@ALLEGANYCO.COM](mailto:CRANDALLCW@ALLEGANYCO.COM)

CLERK BRENDA RIGBY RIEHLE

[RIGBYBA@ALLEGANYCO.COM](mailto:RIGBYBA@ALLEGANYCO.COM)

---

**ALBANY COUNTY:** EXECUTIVE DANIEL MCCOY [DANIEL.MCCOY@ALBANYCOUNTYNY.GOV](mailto:DANIEL.MCCOY@ALBANYCOUNTYNY.GOV)

Clerk Legislature: Paul Devane [paul.devane@albanycountyny.gov](mailto:paul.devane@albanycountyny.gov)

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*(We have used the 2019 Association of NYS Counties for these addresses. Ms. Catalfamo, we would appreciate your forwarding as necessary. Thank you.)*

Dear County Executives and Clerks, Executive Director Stephen J. Acquario, ***New York State Association of Counties***,

RE: OPPOSITION TO Article 23 Amendment/Act tucked into the Budget Bill.

[Accelerated Renewable Energy Growth and Community Benefit Act](#)

We hope to support the autonomy with which New York State counties can make energy, transmission, and storage decisions for their own counties, communities. This is currently in grave danger of erosion, or complete dissolution. Article 23, may now not be tucked into the April budget; but it will likely raise its head again, at some later post Coronavirus date. We assure you that the objections are widespread and growing. New York State cannot become a dumping ground for further energy experiments, and energy sprawl. Please note that Governor Cuomo's fantasy of "net carbon free" New York is not attainable. It is a catch phrase, but meaningless. (New York has impossibly ambitious, nonsensical plans [for net carbon free](#), "**100 percent carbon-free electricity by 2040, energy sources by 2040 and then reach net zero emissions by 2050.**")



[Roger Pielke in Forbes](#), for one, describes how the construct doesn't work.

*"So the math here is simple: to achieve net-zero carbon dioxide emissions by 2050, the world would need to deploy 3 [Turkey Point nuclear plants](#) worth of carbon-free energy every two days, starting tomorrow and continuing to 2050. At the same time, a Turkey Point nuclear plant worth of fossil fuels would need to be decommissioned every day, starting tomorrow and continuing to 2050.)"*

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With Article 23, Governor Cuomo is attempting to "shoehorn" projects (wind, solar and battery facilities) via an administrative trick. The purpose of the Amendment, notably called, "Accelerated," is to completely overhaul siting, timelines, and offer incentives to developers. Walk in: [The Accelerated Renewable Energy Growth and Community Benefit Act](#). This Act is "couched" or protected by [the Climate Leadership and Community Protection Act \(CLCPA\)](#). The attempt is clearly to "noose" objecting communities, agencies, tie them into his plan for a renewables world, free of that problem carbon (note irony), free of that other problem, Nuclear, remove delays posed by unwilling communities, and importantly, free of environmental constraints that are likely the largest feature slowing down projects in New York State.

## The key items which we are sure you are aware of:

- Incentives to developers beyond any existing in the US: benefits are already egregious, tax abatements, PTC advantages, loans and forgiveness es, which do not in any fashion parlay into energy benefit to the American people: (You always need 100% backup 100% of the time.) The US despite massive deployment of land grabbing turbine arrays, still only receives about 4.6% of its useable energy from wind projects: worldwide the number is **net zero: point two of one percent**
- The Act will steamroll communities who may wish input or objections to energy projects, wind and solar
- Elimination of current protections for Environmental Review and curtailment of objective and clear views of endangered species regulations
- Provides fantasies of job chains, which historically in Europe and Canada have not materialized: Spain has LOST net jobs, 4 per so called "green job," UK has lost 5.4.
- Loss of Home Rule
- Promotion of policies that show a general disregard/disrespect for democratic principles that are entrenched in North American societies

• SUMMARY FROM THE NATIONAL LAW REVIEW



*The proposal would ..... “establish incentive programs to deliver shovel-ready, permitted sites to developers. The bill signals a shift in thinking about renewable energy siting, from a bureaucratic energy regulatory issue sometimes hindered by fierce local opposition, to an economic development process focused on steering the train of jobs and economic benefits anticipated from renewables over the next decade as a result of the [Climate Leadership and Community Protection Act \(CLCPA\)](#), while continuing to ensure all environmental requirements are met.”*

### *Objections from the New York Council of Mayors*

- [NEW YORK COUNCIL OF MAYORS](#)

The New York Council of Mayors makes a strong statement of opposition to the “fast tracking”, “replacing the Siting Board and current Article 10 review process for certain renewable energy facilities.” ....This Council agrees with the objections of others regarding loss of Home Rule, elimination of local zoning authority and loss of local governments to negotiate PILOTS. (*Our note: PILOTS are Payments in Lieu of Taxes*)

- [SENATOR GEORGE BORELLO](#) , R-Sunset Bay, excerpt

*“In order to meet his environmental targets, these projects will need to be constructed on a massive scale and with a density that will literally change the face of upstate New York, transforming it into a barren industrial wasteland. Countless acres of farmland will need to be blanketed with solar farms. [Our beautiful shorelines will be marred by the sight of massive mechanical wind turbines towering over the water.](#)”*

Objections to The [Accelerated Renewable Energy Growth and Community Benefit Act](#), also include a growing number of resolutions across NYS: here are comments from one town, Evans NY, which is currently fighting a 50 turbine proposal offshore in Lake Erie.

**Whereas:** *This amendment represents a blatant attempt to usurp local government’s historical and constitutionally power of home rule in the areas of planning, zoning and land use,*



*Now therefore be it resolved that the Town Board of the Town of Evans does hereby go on record strongly opposing this Governor's attempt to dilute and usurp the roles and powers of local governments in New York State, and*

*Further be it resolved that the Town Board of the Town of Evans urges State Legislators to oppose this amendment and have it removed from the final budget document...*

Environmental concerns are in grave danger of being excavated, expunged, by this Act.

[The Environmental requirements](#) also would receive smoother passage than now. The Act would establish a new Office of Renewable Siting (under the Department of Economic Development (DED). This organizational platform would provide for a one stop permitting system, as well as environmental review. It would also provide stricter time constraints. "Municipalities may advise the Office on local laws, but the Office is not required to apply them, if they are found to be unduly burdensome."

**The Act goes further:** it revamps and directs, underscore **directs**, the New York State Energy Research and Development Authority, (Empire State Development) (NYSERDA), (ESD), and other public authorities to establish **incentive programs** for developers, landowners, and host communities. This process would reduce risk in the competitive process, almost providing "ready made" opportunities.

Another chilling feature of the Act involves "mitigation" of endangered species, which it suggests can be parcelled up in a "bank," an endangered species "mitigation bank" at the Department of Environmental Conservation (DEC), which many suggest obviously favors developers who may be able to mitigate impacts through "mitigation credits" at the DEC bank. No, we are not making this up. Additionally, DEC may choose to "outsource" the banking function to a non-profit. We remember [Cape Wind](#) (beset by numerous lawsuits), where Mass Audubon was seduced in an \$8 million enticement, [to mitigate, or count dead birds](#). "Did Audubon Mass sell its soul to the wind industry," asks writer Christine Morabito?" (Developers already have stunning and incomprehensible permissions, [oversight in their kills of endangered species.](#))

[States Ms. Morabito:](#)

*Mass Audubon's 180 degree turn coincided with a "[Challenge](#)" to the Cape Wind developer as a condition of their support. They challenged the corporation to finance the*



*monitoring of future environmental impacts (industry code for carcass counting), along with a comprehensive mitigation package (attempts to reduce harm). There is little doubt that Mass Audubon, as one of the area's largest conservation groups, would be the recipient of the aforementioned contract, with an estimated value of \$8 million. Money can be seductive, especially to a non-profit organization.*

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*After MAS presented their challenge, there was distinct shift from bird advocacy to wind advocacy. Much like their fellow environmental groups, [Sierra Club](#) (at least certain chapters) and Greenpeace, they traded environmental activism for political activism.*

This is obviously a streamlining of projects, including transmission and storage, and the creation of an "interstate highway of opportunity" for developers.

***New York State is already losing residents.***

[The US Census data of this January 2020](#), indicated that "people are leaving New York at a faster rate than any other state in the nation." For four years running New York's population decreased, births and immigration could not correct the numbers.

Bad policies and high taxes could be referenced.

## CONCLUSION

We sadly reference the [experience of Ontario Canada, whose Green Energy Act](#) has crippled the economy, brought job losses of about 800,000. Ontario is a wasteland of decay, and Premier Doug Ford has repeatedly indicated that wind power is a "scam." It does not exist without subsidies. He has cancelled 758 wind and solar projects, and recently cancelled a project of about 35 turbines on land, south of Ottawa, called Nations Rise. The reason? Ontario is dumping excess power to the US to the tune of about \$2 billion per year, and the endangered bats of the region need protection. Ontario has over 40 contaminated water wells, widespread electrical pollution, over 50 families who have abandoned homes, left or been bought out by developers. You cannot describe a worse situation for people and wildlife. We pray this does not happen in NYS.

In short, wind "power," an oxymoron, does not reduce Green House Gases, does not make the air cleaner, and is not free, clean and safe. Whatever your views of "climate" change, which many now call weather, propagating precious landscapes and water with wind turbines (and solar arrays) will never impact positively anything at all. Just more destruction, and shortly, requiring dismantling and recovery of largely or much, [non recyclable toxic waste](#).



We apologize for making this an issue during a crisis of health. However, COVID 19 is being used as a distraction by some, to create subterranean paths to profits for some.

We respectfully ask that your membership singularly or collectively, take aim at permanently eliminating this Act, which will crush local input and decision-making.

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Thank you sincerely.

*Sherri Lange*

*CEO North American Platform Against Wind Power*

*[www.na-paw.org](http://www.na-paw.org)*

*Vice President Canada Save the Eagles International*

*Co Founding Member, Great Lakes Wind Truth USA and Canada*

*416 567 5115 cell*

*[kodaisl@rogers.com](mailto:kodaisl@rogers.com)*

*(Over 370 member groups and over 2 million individual members)*