

1 17-F-0599 and 17-F-0617 - Siting Board - 1-7-2021

2 NEW YORK STATE BOARD ON  
3 ELECTRIC GENERATION SITING AND  
4 THE ENVIRONMENT

5 CASE 17-F-0599 - Application of East Point Energy Center,  
6 LLC for a Certificate of Environmental Compatibility and  
7 Public Need Pursuant to Article 10 of the Public Service  
8 Law for Construction of a Solar Electric Generating  
9 Facility Located in the Town of Sharon, Schoharie County.

10 CASE 17-F-0619 - Application of Hecate Energy Greene 1  
11 LLC, Hecate Energy Greene 2 LLC, and Hecate Energy Greene  
12 County 3 LLC for a Certificate of Environmental  
13 Compatibility and Public Need Pursuant to Article 10 of  
14 the Public Service Law for Construction of a Solar  
15 Electric Generating Facility Located in the Town of  
16 Coxsackie, Greene County.

17 Siting Board Meeting

18 Date: Thursday, January 7, 2021 @ 2:30 pm

19 JOHN B. RHODES, Chair

20 LOUIS ALEXANDER, alternate of Basil Seggos, Department of  
21 Environmental Conservation

22 DR. ELIZABETH LEWIS-MICHL, alternate of Dr. Howard Zucker,  
23 Department of Health

24 VINCENT RAVASCHIERE, alternate of Eric Gertler, Empire  
25 State Development Corporation

JOHN WILLIAMS, alternate of Richard Kauffman, New York  
State Energy Research and Development Authority

1 17-F-0599 and 17-F-0617 - Siting Board - 1-7-2021

2 CHAIRMAN RHODES: Good afternoon.

3 This is John Rhodes, Chair of the Public Service  
4 Commission and Chair of the Board on Electric  
5 Generation Siting and the Environment and I'd like to  
6 call this meeting of the Board on Electric Generation  
7 Siting and the Environment to order. Can I just  
8 check that -- that my audio is good?

9 SECRETARY PHILLIPS: Yes.

10 CHAIRMAN RHODES: Perfect, thank you.

11 Before we get started, I would like to  
12 note our arrangements for the meeting today. In line  
13 with the guidelines concerning social distancing and  
14 minimizing large gatherings and in keeping with the  
15 Executive Orders suspending provisions of the Open  
16 Meetings Law on an emergency basis, we are conducting  
17 today's meeting remotely.

18 I would like to remind those who are  
19 participating by phone, to please mute your lines,  
20 except when you are speaking. The public will have  
21 the opportunity to listen to the meeting by going to  
22 the Department's webcast page. We'll also record and  
23 transcribe the meeting, as has been our practice.

24 These arrangements have been reviewed  
25 by our general counsel and he has found that they

1 17-F-0599 and 17-F-0617 - Siting Board - 1-7-2021  
2 meet the requirements of the Executive Orders and  
3 that they meet my own expectations of honoring the  
4 intent of the Open Meetings Law.

5 Before moving to the Agenda, I would  
6 like to introduce the alternates representing the  
7 permanent members of the Siting Board. Lou  
8 Alexander, Alternate of Basil Seggos, Department of  
9 Environmental Conservation. If you could just say  
10 here or present.

11 MR. ALEXANDER: Present.

12 CHAIRMAN RHODES: Great, thank you.  
13 Dr. Elizabeth Lewis-Michl, alternate of Dr. Howard A.  
14 Zuckard, Department of Health.

15 DR. LEWIS-MICHL: Present.

16 CHAIRMAN RHODES: Thank you. Vincent  
17 Ravaschiere, alternate for Eric Gertler, Acting  
18 Commissioner of New York State Department of Economic  
19 Development and President and Chief Executive Officer  
20 Designate Empire State Development.

21 MR. RAVASCHIERE: Present.

22 CHAIRMAN RHODES: Thank you. And,  
23 John Williams, alternate of Richard Kauffman, New  
24 York State Energy Research and Development Authority.

25 MR. WILLIAMS: Present.

1 17-F-0599 and 17-F-0617 - Siting Board - 1-7-2021

2 CHAIRMAN RHODES: Thank you. With  
3 that, let's get into the agenda. Secretary Phillips,  
4 are there any changes to the agenda?

5 SECRETARY PHILLIPS: There are no  
6 changes to the agenda.

7 CHAIRMAN RHODES: Thank you. So, the  
8 first item is Case 17-F-0599, Application of East  
9 Point Energy Center, L.L.C., for a Certificate of  
10 Environmental Compatibility and Public Need, Pursuant  
11 to Article 10 of the Public Service Law, for  
12 Construction of a Solar Electric Generating Facility,  
13 Located in the Town of Sharon, Schoharie County,  
14 presented by Erika Bergen, Administrative Law Judge,  
15 Department of Public Service and Gregg Sayre,  
16 Administrative Law Judge, Department of Public  
17 Service. Michael Caruso, Administrative Law Judge,  
18 Department of Environmental Conservation, Dakin  
19 Lecakes, Chief Administrative Law Judge, Department  
20 of Public Service, James McClymonds, Chief  
21 Administrative Law Judge, Department of Environmental  
22 Conservation and Robert Rosenthal, General Counsel,  
23 available for questions. Judge Bergen, please begin.

24 A.L.J. BERGEN: Thank you. Good  
25 afternoon, Chair Rhodes and members of the Siting

1 17-F-0599 and 17-F-0617 - Siting Board - 1-7-2021  
2 Board. My name is Erika Bergen and I co-presided  
3 over this case with Gregg Sayre and with Associate  
4 Examiner, Michael Caruso of the Department of  
5 Environmental Conservation.

6 I will offer brief remarks on the item  
7 before you, which is the Proposed Order of the Siting  
8 Board, granting a Certificate of Environmental  
9 Compatibility and Public Need to East Point Energy  
10 Center, L.L.C., subject to certain terms and  
11 conditions.

12 East Point Energy Center, L.L.C. or  
13 East Point, proposes to construct and operate a  
14 commercial scale solar electric generating facility  
15 within the Town of Sharon in Schoharie County. The  
16 project is a large scale renewable energy facility,  
17 consisting of up to 350 acres of photovoltaic solar  
18 panels in related facilities. The facility will  
19 generate up to 50 megawatts of electricity, which is  
20 enough to meet the average annual demand of about  
21 8,000 New York homes.

22 The grant of a Certificate to East  
23 Point, would be subject to the conditions that are  
24 attached to the Proposed Order. The Proposed Order  
25 is supported by a robust and extensive evidentiary

1 17-F-0599 and 17-F-0617 - Siting Board - 1-7-2021  
2 record, that supports all of the statutory findings  
3 that the Siting Board must make before issuing a  
4 Certificate, pursuant to Article 10 of the Public  
5 Service Law.

6 The Article 10 review process in this  
7 case, was extensive, fair and open and included both  
8 pre-application and post-application phases. Notice  
9 to the public was provided with respect to all  
10 significant milestones in the case. There were many  
11 instances of community outreach and education and  
12 numerous opportunities for public participation.

13 East Point carried out a public  
14 involvement program, which included among other  
15 things, establishing a project specific website,  
16 local document repositories and a toll-free telephone  
17 number for access to project information.

18 In addition, throughout the Article 10  
19 process, the Department of Public Service also  
20 carried out extensive public outreach and sent notice  
21 of all significant project milestones to the party  
22 and service list. The Department also hosted a  
23 public statement hearing, via WebEx, in October 2020  
24 and solicited public comments through multiple other  
25 means.

1 17-F-0599 and 17-F-0617 - Siting Board - 1-7-2021

2 Aside from the State Agency parties in  
3 this case, the Town of Sharon was the only other  
4 active party and the Town was represented by counsel.  
5 Intervenor funding was awarded to the Town at both  
6 the pre-application and application phases.

7 The Department received 24 public  
8 comments in this case, on D.M.M. and at the public  
9 statement hearing. The comments reflect that there  
10 is both opposition to and support for the project  
11 among the local community.

12 Most commenters who support the  
13 project, cite the economic benefits to the local  
14 community, as well as general support of renewable  
15 energy development, to counter the harms posed by  
16 Global warming.

17 Opponents to the project, cited  
18 concerns about visual impacts, loss of agricultural  
19 land, impacts to wildlife, impact to cultural and  
20 historical resources and concerns about the  
21 restoration of the land at the end of the project's  
22 useful life. The proposed Certificate conditions  
23 attached to the Proposed Order before you, address  
24 the identified environmental impacts of the project,  
25 including impacts that have been the subject of

1 17-F-0599 and 17-F-0617 - Siting Board - 1-7-2021  
2 public concern. Most of the proposed conditions,  
3 which are based on conditions proposed in a  
4 settlement proposal, negotiated by the parties, were  
5 undisputed or are the result of the settlement  
6 negotiation.

7 Notwithstanding their execution of the  
8 settlement proposal, without taking exception, the  
9 Staff of the Department of Agriculture and Markets,  
10 joined in part by the Town, raised objections in  
11 briefings to the anticipated impacts to agricultural  
12 land. The Town also took issue with the project, as  
13 it relates to compliance with visual impacts  
14 requirements of its Local Solar Law.

15 In addition, the Town objected to two  
16 sections of the Proposed Noise Complaint Resolution  
17 Protocol. For its part, the Applicant requested  
18 waiver of two provisions of the Town's Land Use Code  
19 and Zoning Law; one, capping the acreage of the -- on  
20 a farm land parcel, upon which a solar facility may  
21 be built and the other, limiting the clearing of land  
22 to 30 percent on any given parcel.

23 With respect to the project's impact  
24 to the agricultural resources, Agriculture and Market  
25 Staff objected to the use of approximately 287 acres



1 17-F-0599 and 17-F-0617 - Siting Board - 1-7-2021  
2 of prime farmland or farmland containing priority  
3 soil group One through Four, for the siting of  
4 project components. In its view, to be consistent  
5 with the State's constitutional and statutory policy  
6 to preserve agricultural lands for the production of  
7 food and other agricultural products, projects that  
8 permanently convert more than 10 percent of prime  
9 farmland in a project area to a non-agricultural use,  
10 should not be approved.

11 The Draft Order holds, that consistent  
12 with the Order issued in Mohawk Solar, L.L.C., Case  
13 Number 17-F-0182, the appropriate standard for  
14 evaluating impacts to agricultural resources, is the  
15 standard under Public Service Law, Section 168-C-3-C,  
16 namely that an Applicant must demonstrate that  
17 impacts to agricultural resources, would be avoided,  
18 minimized and mitigated to the maximum extent  
19 practicable.

20 The Draft Order concludes that East  
21 Point satisfied this burden, in this regard. In  
22 doing so, the Draft Order rejects the argument, that  
23 the project will result in the permanent conversion  
24 of 287 acres of prime farmland to a non-agricultural  
25 use, noting that upon the decommissioning and site

1 17-F-0599 and 17-F-0617 - Siting Board - 1-7-2021  
2 restoration, only about seven acres of prime farmland  
3 would be permanently converted by the project.

4 The Town's first of two objections to  
5 the Proposed Noise Complaint Resolution Protocol, was  
6 that it failed to ensure that the environmental  
7 monitor would respond to and evaluate noise  
8 complaints during construction. The Draft Order  
9 concludes, based in part on an agreement by East  
10 Point, to consult with the environmental monitor in  
11 the event of such complaint, that this provision of  
12 the protocol, a provision that has been previously  
13 approved by the Siting Board in other cases, is  
14 sufficient as it stands.

15 The Town's second objection, was to a  
16 provision that requires residents to pay for sound  
17 tests after making a noise complaint, if two previous  
18 identical complaints within three years, led to  
19 findings that the facility was in compliance with the  
20 noise limitations adopted by the Siting Board.

21 The Draft Order accepts the proposed  
22 requirements, as reasonably tailored to address  
23 potentially bad-faith complaints but clarifies that  
24 prior complaints will not be considered identical, if  
25 they involve different types of noise or if they are

1 17-F-0599 and 17-F-0617 - Siting Board - 1-7-2021  
2 made by a new resident at the location in question.

3 The Town objects to the project's  
4 visibility to motorists on nearby local roads and to  
5 farmers in nearby open fields. The Draft Order finds  
6 that visibility restrictions to address the Town's  
7 objections, are unnecessary to minimize the project's  
8 impacts on aesthetic and scenic values.

9 The Town also proposed more extensive  
10 visual screening along scenic Route 20. The Draft  
11 Order finds with the visibility of the project  
12 from Route 20, with the screening proposed by the  
13 settling parties, will be along only short, 1,600  
14 foot segments of the highway that are 1.9 miles  
15 away from the project.

16 The Draft Order accepts the visual  
17 mitigation proposed by the settling parties, which  
18 also include setbacks, off-sets, anti-reflective  
19 panels, underground collection lines, a significant  
20 amount of vegetative screening and the filing of a  
21 visual mitigation planting plan, which included five  
22 annual inspections and remediation if it becomes  
23 necessary.

24 East Point requests a waiver of two of  
25 the Town's Local Laws related to solar projects. The

1 17-F-0599 and 17-F-0617 - Siting Board - 1-7-2021  
2 first caps the acreage that a solar project may use  
3 on any given agricultural parcel, to no more than 20  
4 percent of the parcel and to no more than 10 acres.  
5 The Draft Order finds that this limitation is  
6 unreasonably burdensome because it would make the  
7 project impossible to build. Ten acres on the --  
8 each of the four parcels used by the project, would  
9 produce less than six megawatts of power, far less  
10 than the 50 megawatts that the project has contracted  
11 to produce.

12 The Draft Order agrees with East Point  
13 and the other settling parties, that the design of  
14 the project avoids or minimizes agricultural  
15 resources, impacts to agricultural resources to the  
16 maximum extent practicable and that the specific  
17 location of the project is appropriate in light of  
18 the need to balance the impacts on agricultural  
19 resources, woodlands and scenic views.

20 The second law subject to a wavier  
21 request, limits clearing of woodlands to 30 percent  
22 of any parcel. As designed, the project involves  
23 clearing of less than 30 percent of the total of the  
24 four parcels involved, that the 30 percent cap would  
25 -- would be exceeded on two of the four parcels, if

1 17-F-0599 and 17-F-0617 - Siting Board - 1-7-2021  
2 they were considered separately.

3 The Draft Order accepts East Point's  
4 evidence, that it would be impossible to build the  
5 project, without creating undesirable impacts on  
6 farmland, woodland or scenic views or some  
7 combination of the three. East Point's design gave  
8 the greatest weight to avoidance of impacts on the  
9 views on scenic Highway 20, based on the strong  
10 concerns expressed by the community about the Route  
11 20 view shed.

12 A different location would have had  
13 greater impact on the view shed or a greater impact  
14 on agricultural land or both. The Local Law limiting  
15 clearing the 30 percent of any one parcel, would thus  
16 either increase the project's environmental impact or  
17 prohibit the project all together. The Draft Order,  
18 therefore finds, the Local Law to be unreasonably  
19 burdensome.

20 There were also disagreements between  
21 East Point and the Town, as to whether two other  
22 Local Laws were substantive and therefore,  
23 potentially requiring additional waiver requests or  
24 procedural and therefore, automatically waived by  
25 Article 10 of the Public Service Law.

1           17-F-0599 and 17-F-0617     -     Siting Board   -     1-7-2021  
2                                    The first Local Law requires  
3           minimization of the use of prime farmland to the  
4           maximum extent feasible.  The Draft Order finds this  
5           provision to be substantive but also finds that no  
6           waiver request is required because the project has  
7           minimized the use of prime farmland to the maximum  
8           extent feasible, with a reasonable balancing among  
9           the need to minimize the use of farmland, while at  
10          the same time, minimizing both tree clearing and  
11          impacts on scenic views.  The Draft Order notes that  
12          less than 300 acres of prime farmland is used by the  
13          project and that this impact is reversible in the  
14          course of decommissioning, which will be fully funded  
15          by the Applicant.

16                                The second Local Law requires  
17          minimization or avoidance of visual impacts with  
18          screening that is acceptable to the Town.  The Draft  
19          Order finds this law to be procedural and therefore,  
20          waived by the Article 10 statute because of the  
21          requirement of acceptability to the Town but also  
22          finds that the project is in compliance with this  
23          Local Law, based on the finding in the Draft Order  
24          required by Article 10, the adverse environmental  
25          impact, including impacts on aesthetic and scenic

1 17-F-0599 and 17-F-0617 - Siting Board - 1-7-2021  
2 values, have been minimized or avoided to the maximum  
3 extent practicable.

4 Based on the foregoing, the record  
5 supports a finding by the Board, that the probable  
6 environmental impacts of the construction and  
7 operation of the facility, will be minimized or  
8 avoided to the maximum extent practicable, provided  
9 that the Applicant complies with the Certificate  
10 conditions. The record also supports a finding by  
11 the Board, that the facility is designed to operate  
12 in compliance with all applicable State and Local  
13 environmental, health and safety law and regulations.

14 The Proposed Order, if adopted, would  
15 find that the construction and operation of the  
16 project, will serve the public interest because the  
17 project will be consistent with State energy  
18 policies, long range energy planning objectives, the  
19 strategies set forth in the most recent State Energy  
20 Plan and the additional social, economic and other  
21 factors deemed relevant by the Board.

22 The Examiners recommend that the Board  
23 adopt the Proposed Order, including the attached  
24 Certificate conditions. The Examiners, Robert  
25 Rosenthal, James McClymonds and Dakin Lecakes, are

1 17-F-0599 and 17-F-0617 - Siting Board - 1-7-2021  
2 available for questions. Thank you.

3 CHAIRMAN RHODES: Thank you very much,  
4 Judge Bergen, for the presentation and for the  
5 underlying good work. I see this is a thoughtful  
6 Proposed Order, that flows from the record and also a  
7 process that has been public, open and thorough and  
8 that the -- the Proposed Order contains conditions,  
9 to me, that deal well with the identified concerns,  
10 especially those raised in comments by the public.  
11 And, I note also, that these conditions generally are  
12 based on a settlement among the parties.

13 In my judgment, I agree that the  
14 identified impacts have been minimized, avoided or  
15 mitigated to the maximum extent practical, upon the  
16 conditions represent reasonable, issue mitigating  
17 outcomes and add up overall to a balanced resolution  
18 that serves the public interest, including the State  
19 Climate Environmental and Energy Policies and  
20 community considerations. I am going to support this  
21 item.

22 Let me turn to my Siting Board  
23 colleagues and ask if there are any comments or  
24 questions from them. Mr. Alexander?

25 MR. ALEXANDER: Thank you, Chair



1 17-F-0599 and 17-F-0617 - Siting Board - 1-7-2021  
2 Rhodes. I had a couple of questions, relating to  
3 prime farmland and the noise protocol but these have  
4 been addressed by A.L.J. Bergen in her presentation  
5 today. As such, I have no further comments or  
6 questions. Thank you.

7 CHAIRMAN RHODES: Thank you and Dr.  
8 Lewis-Michl?

9 DR. LEWIS-MICHL: I have no questions  
10 or comments.

11 CHAIRMAN RHODES: Thank you, Mr.  
12 Ravaschiere?

13 MR. RAVASCHIERE: No questions, thank  
14 you.

15 CHAIRMAN RHODES: Thank you, Mr.  
16 Williams?

17 MR. WILLIAMS: Thank you, no  
18 questions.

19 CHAIRMAN RHODES: Thank you all. With  
20 that, I will proceed to call for a vote. For the  
21 record, this is John Rhodes and my own vote is in  
22 favor of the recommendation to approve the  
23 application of East Point Energy Center, L.L.C., for  
24 a Certificate of Environmental Compatibility and  
25 Public Need, with conditions, as just described. Mr.

1 17-F-0599 and 17-F-0617 - Siting Board - 1-7-2021

2 Alexander, how do you vote?

3 MR. ALEXANDER: My vote is also in  
4 favor.

5 CHAIRMAN RHODES: Thank you. Dr.  
6 Lewis-Michl, how do you vote?

7 DR. LEWIS-MICHL: In favor.

8 CHAIRMAN RHODES: Thank you. Mr.  
9 Ravaschiere, how do you vote?

10 MR. RAVASCHIERE: In favor.

11 CHAIRMAN RHODES: Thank you. Mr.  
12 Williams, how do you vote?

13 MR. WILLIAMS: In favor.

14 CHAIRMAN RHODES: Thank you. The  
15 matter is adopted -- the matter is approved and the  
16 recommendation is adopted.

17 And, we will now move onto the next  
18 item on the agenda, Case 17-F-0617, Application of  
19 and I'm sorry, Hecate Energy Albany, L.L.C. Energy  
20 Albany -- Hecate Energy Albany One, L.L.C. and Hecate  
21 Energy Albany Two, L.L.C., for a Certificate of  
22 Environmental Compatibility and Public Need, Pursuant  
23 to Article 10 of the Public Service Law for  
24 Construction of a Solar Electric Generation --  
25 Generating Facility, located in the Town of Coeymans,

1 17-F-0599 and 17-F-0617 - Siting Board - 1-7-2021  
2 Albany County, presented by Anthony Belsito,  
3 Administrative Law Judge Department of Public  
4 Service. Maureen Leary, Administrative Law Judge,  
5 Department of Public Service, Daniel O'Connell,  
6 Administrative Law Judge, Department of Environmental  
7 Conservation, Dakin Lecakes, Chief Administrative Law  
8 Judge, Department of Public Service, James  
9 McClymonds, Chief Administrative Law Judge,  
10 Department of Environmental Conservation and Robert  
11 Rosenthal, General Counsel, are available for  
12 questions. Judge Belsito, please begin.

13 A.L.J. BELSITO: Thank you. Good  
14 afternoon, Chair Rhodes and members of the Siting  
15 Board. My name is Anthony Belsito and I co-presided  
16 over this case with Maureen Leary and with Associate  
17 Examiner, Daniel O'Connell of the Department of  
18 Environmental Conservation.

19 I will offer brief remarks on the item  
20 before you, which is the Proposed Order of the Siting  
21 Board, granting a Certificate of Environmental  
22 Compatibility and Public Need, to Hecate Energy  
23 Albany, subject to certain terms and conditions.

24 Hecate Energy Albany proposes to  
25 construct and operate a 40 megawatt commercial scale

1 17-F-0599 and 17-F-0617 - Siting Board - 1-7-2021  
2 solar electric generating facility in the Town of  
3 Coeymans in Albany County. The project is expected  
4 to generate approximately 73,000 megawatt hours of  
5 energy annually and the facility footprint will  
6 occupy approximately 220 acres.

7 The grant of a Certificate to Hecate  
8 Energy Albany, would be subject to the conditions  
9 that are attached to the Proposed Order. The  
10 Proposed Order is supported by a robust and extensive  
11 evidentiary record that supports all the statutory  
12 findings that the Siting Board must make before  
13 issuing a Certificate, pursuant to Article 10 of the  
14 Public Service Law.

15 The review process in this case, was  
16 extensive, fair and open and similar to the case that  
17 preceded it, including -- preceded this one,  
18 including both pre-application and post-application  
19 phases. Notice to the public was provided with  
20 respect to all significant milestones in the case.

21 There were many instance of community  
22 outreach in education and numerous opportunities for  
23 public participation. Hecate Albany carried out a  
24 public involvement program, which included among  
25 other things, establishing -- establishing a project

1 17-F-0599 and 17-F-0617 - Siting Board - 1-7-2021  
2 specific website, local document repositories and a  
3 toll-free telephone number for access to project  
4 information.

5 In addition, throughout the Article 10  
6 process, the Department of Public Service carried out  
7 extensive public outreach and sent notice of all  
8 significant project milestones to the party and  
9 service list.

10 The Department also hosted public  
11 statement hearings in the afternoon and evening on  
12 February 18th, 2020. Public comments were also  
13 encouraged through other means throughout the  
14 proceeding.

15 Intervenor funding was awarded to the  
16 farm operation currently occupying the site, in order  
17 to analyze the feasibility of integrating and  
18 agricultural grazing operation into the project area.

19 The Department received 16 public  
20 comments in this case on D.M.M. and at the public  
21 statement hearing; the comments, all of them in  
22 straight support for the project within the local  
23 community. Commenters who support the project, cite  
24 the economic benefits to the local community, as well  
25 as general support of renewal energy development, to

1 17-F-0599 and 17-F-0617 - Siting Board - 1-7-2021  
2 counter the harms posed by global warming.

3 The propose Certificate conditions  
4 attached to the Proposed Order before you, address  
5 the identified environmental impacts of the project,  
6 including impacts that have been the subject of  
7 public concern. Most of the proposed conditions,  
8 which are based on conditions proposed in a  
9 settlement proposal, negotiated by the parties, were  
10 undisputed or are the result of those settlement  
11 negotiations. However, Staff of the Department of  
12 Agriculture and Markets did raise objections in  
13 briefings to the anticipated impacts to agricultural  
14 land. With respect to the project's impacts to  
15 agricultural resources, Agriculture and Markets Staff  
16 objects to the use of approximately 217 acres of  
17 prime farmland for the siting of project's  
18 components.

19 Staff urges that to be consistent with  
20 the State's constitutional and statutory policy to  
21 preserve agricultural lands for producing food and  
22 other agricultural products, projects that  
23 permanently convert more than 10 percent of the prime  
24 farmland in a project area to a non-agricultural use,  
25 should not be approved.

1 17-F-0599 and 17-F-0617 - Siting Board - 1-7-2021

2 The Draft Order holds, that the  
3 appropriate standard for evaluating impacts to  
4 agricultural resources, is the standard under Public  
5 Service Law, Section 168, Section 3-C, namely that an  
6 Applicant must demonstrate that impacts to  
7 agricultural resources, would be avoided, minimized  
8 and mitigated to the maximum extent practicable.

9 The Draft Order concludes that Hecate  
10 Albany carries its burden in this case. In doing so,  
11 the Draft Order rejects the argument, that the  
12 project will result in the permanent conversion of  
13 217 acres of prime farmland to a non-agricultural  
14 use, noting that upon decommissioning and site  
15 restoration, only approximately 19 acres of prime  
16 farmland would be permanently converted by the  
17 project.

18 Hecate is not requesting that the  
19 Siting Board waive any Local Laws and the Proposed  
20 Order concludes that the project, subject to the  
21 proposed conditions, will comply with the substantive  
22 requirements for all applicable Local Laws.

23 Based upon the foregoing, the record  
24 supports a finding by the Board, that the probable  
25 environmental impacts of the construction and

1 17-F-0599 and 17-F-0617 - Siting Board - 1-7-2021  
2 operation of the facility, will be minimized or  
3 avoided to the maximum extent practicable, provided  
4 that the Applicant complies with the Certificate  
5 conditions. The record also supports a finding by  
6 the Board, that the facility is designed to operate  
7 in compliance with all applicable State and Local  
8 environmental, health and safety law -- laws and  
9 regulations.

10 The Proposed Order, if adopted, would  
11 find that the construction and operation of the  
12 project, will serve the public interest because the  
13 project will be consistent with State energy  
14 policies, long range energy planning objectives, the  
15 strategies set forth in the most recent State Energy  
16 Plan and the additional social, economic and other  
17 factors deemed relevant by the Board.

18 The Examiners recommend that the Board  
19 adopt the Proposed Order, including the attached  
20 Certificate conditions. Thank you. We are available  
21 for questions, at this time.

22 CHAIRMAN RHODES: Thank you very much,  
23 Judge Belsito. Thank you very much, Judge Belsito.  
24 My own take is that this is again -- this Proposed  
25 Order again, is a very thoughtful Proposed Order,



1 17-F-0599 and 17-F-0617 - Siting Board - 1-7-2021  
2 containing useful and protected terms and conditions  
3 and flowing from an open and extensive public  
4 process, accompanied by a strong evidentiary record.

5 I note with pleasure, that the  
6 comments are supportive and I note that the  
7 conditions, which again in this case flow from  
8 settlement negotiations, are balanced and well-  
9 grounded and collectively provide a solution that  
10 serves the State's Climate Environmental and Energy  
11 Policies, as well as social, economic and community  
12 considerations and thus, my judgment is in the public  
13 interest. I will be supporting this item. And, now  
14 I'll turn to my Siting Board Colleagues and ask  
15 whether they have any comments or questions. Mr.  
16 Alexander?

17 MR. ALEXANDER: I have no comments or  
18 questions. Thank you.

19 CHAIRMAN RHODES: Thank you, Dr.  
20 Lewis-Michl?

21 DR. LEWIS-MICHL: No questions or  
22 comments.

23 CHAIRMAN RHODES: Thank you, Mr.  
24 Ravaschiere?

25 MR. RAVASCHIERE: No comments or

1 17-F-0599 and 17-F-0617 - Siting Board - 1-7-2021

2 questions, thank you.

3 CHAIRMAN RHODES: Thank you and Mr.  
4 Williams?

5 MR. WILLIAMS: Thank you, no comments  
6 or questions.

7 CHAIRMAN RHODES: Thank you all. With  
8 that, I will proceed to call for a vote on the  
9 Proposed Order. For the record, I'm John Rhodes and  
10 my vote is in favor of the recommendation to approve  
11 the application of Hecate Energy Albany One, L.L.C.  
12 and Hecate Energy Albany Two, L.L.C., for a  
13 Certificate of Environmental Compatibility and Public  
14 Need, with conditions, as just described. Mr.  
15 Alexander, how do you vote?

16 MR. ALEXANDER: I also vote in favor.

17 CHAIRMAN RHODES: Thank you. Dr.  
18 Lewis-Michl, how do you vote?

19 DR. LEWIS-MICHL: In favor.

20 CHAIRMAN RHODES: Thank you. Mr.  
21 Ravaschiere, how do you vote?

22 MR. RAVASCHIERE: I vote in favor.

23 CHAIRMAN RHODES: Thank you and Mr.  
24 Williams, how do you vote?

25 MR. WILLIAMS: I vote in favor.

1 17-F-0599 and 17-F-0617 - Siting Board - 1-7-2021

2 CHAIRMAN RHODES: Thank you. With  
3 that, the matter is approved and the recommendation  
4 is adopted. Secretary Phillips, is there anything  
5 further to come before us today?

6 SECRETARY PHILLIPS: There is nothing  
7 further to come before you today.

8 CHAIRMAN RHODES: Thank you very much.  
9 And, so with gratitude to all of the Staff that has  
10 done the work and to the Board colleagues for joining  
11 us today, we are adjourned.

12 (The meeting adjourned.)

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1 17-F-0599 and 17-F-0617 - Siting Board - 1-7-2021

2 I, ABBY HALLOWELL, do hereby certify that the foregoing  
3 was reported by me, in the cause, at the time and place,  
4 as stated in the caption hereto, at Page 1 hereof; that  
5 the foregoing typewritten transcription consisting of  
6 pages 1 through 27, is a true record of all proceedings  
7 had at the hearing.

8 IN WITNESS WHEREOF, I have hereunto  
9 subscribed my name, this the 13th day of January, 2021.

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12 ABBY HALLOWELL, Reporter

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<b>A</b>	
<b>A.L.J</b> 4:24 17:4 19:13	<b>Anthony</b> 19:2,15
<b>ABBY</b> 28:2,12	<b>anti-reflective</b> 11:18
<b>acceptability</b> 14:21	<b>anticipated</b> 8:11 22:13
<b>acceptable</b> 14:18	<b>applicable</b> 15:12 23:22 24:7
<b>accepts</b> 10:21 11:16 13:3	<b>Applicant</b> 8:17 9:16 14:15 15:9 23:6 24:4
<b>access</b> 6:17 21:3	<b>application</b> 1:5,7 4:8 7:6 17:23 18:18 26:11
<b>accompanied</b> 25:4	<b>appropriate</b> 9:13 12:17 23:3
<b>acreage</b> 8:19 12:2	<b>approve</b> 17:22 26:10
<b>acres</b> 5:17 8:25 9:24 10:2 12:4 12:7 14:12 20:6 22:16 23:13 23:15	<b>approved</b> 9:10 10:13 18:15 22:25 27:3
<b>Acting</b> 3:17	<b>approximately</b> 8:25 20:4,6 22:16 23:15
<b>active</b> 7:4	<b>area</b> 9:9 21:18 22:24
<b>add</b> 16:17	<b>argument</b> 9:22 23:11
<b>addition</b> 6:18 8:15 21:5	<b>arrangements</b> 2:12,24
<b>additional</b> 13:23 15:20 24:16	<b>Article</b> 1:6,9 4:11 6:4,6,18 13:25 14:20,24 18:23 20:13 21:5
<b>address</b> 7:23 10:22 11:6 22:4	<b>Aside</b> 7:2
<b>addressed</b> 17:4	<b>Associate</b> 5:3 19:16
<b>adjourned</b> 27:11,12	<b>attached</b> 5:24 7:23 15:23 20:9 22:4 24:19
<b>Administrative</b> 4:14,16,17,19,21 19:3,4,6,7,9	<b>audio</b> 2:8
<b>adopt</b> 15:23 24:19	<b>Authority</b> 1:22 3:24
<b>adopted</b> 10:20 15:14 18:15,16 24:10 27:4	<b>automatically</b> 13:24
<b>adverse</b> 14:24	<b>available</b> 4:23 16:2 19:11 24:20
<b>aesthetic</b> 11:8 14:25	<b>average</b> 5:20
<b>afternoon</b> 2:2 4:25 19:14 21:11	<b>avoidance</b> 13:8 14:17
<b>Agency</b> 7:2	<b>avoided</b> 9:17 15:2,8 16:14 23:7 24:3
<b>agenda</b> 3:5 4:3,4,6 18:18	<b>avoids</b> 12:14
<b>agree</b> 16:13	<b>awarded</b> 7:5 21:15
<b>agreement</b> 10:9	
<b>agrees</b> 12:12	<b>B</b>
<b>agricultural</b> 7:18 8:11,24 9:6,7 9:14,17 12:3,14,15,18 13:14 21:18 22:13,15,21,22 23:4,7	<b>B</b> 1:15
<b>Agriculture</b> 8:9,24 22:12,15	<b>bad-faith</b> 10:23
<b>Albany</b> 18:19,20,20,21 19:2,23 19:24 20:3,8,23 23:10 26:11 26:12	<b>balance</b> 12:18
<b>Alexander</b> 1:16 3:8,11 16:24,25 18:2,3 25:16,17 26:15,16	<b>balanced</b> 16:17 25:8
<b>alternate</b> 1:16,18,20,21 3:8,13 3:17,23	<b>balancing</b> 14:8
<b>alternates</b> 3:6	<b>based</b> 8:3 10:9 13:9 14:23 15:4 16:12 22:8 23:23
<b>amount</b> 11:20	<b>Basil</b> 1:16 3:8
<b>analyze</b> 21:17	<b>basis</b> 2:16
<b>annual</b> 5:20 11:22	<b>Belsito</b> 19:2,12,13,15 24:23,23
<b>annually</b> 20:5	<b>benefits</b> 7:13 21:24
	<b>Bergen</b> 4:14,23,24 5:2 16:4 17:4
	<b>Board</b> 1:1,2,12 2:1,4,6 3:1,7 4:1 5:1,2,8 6:1,3 7:1 8:1 9:1

<p>10:1,13,20 11:1 12:1 13:1  14:1 15:1,5,11,21,22 16:1,22  17:1 18:1 19:1,15,21 20:1,12  21:1 22:1 23:1,19,24 24:1,6  24:17,18 25:1,14 26:1 27:1,10  28:1  <b>brief</b> 5:6 19:19  <b>briefings</b> 8:11 22:13  <b>build</b> 12:7 13:4  <b>built</b> 8:21  <b>burden</b> 9:21 23:10  <b>burdensome</b> 12:6 13:19</p> <hr/> <p style="text-align: center;"><b>C</b></p> <hr/> <p><b>call</b> 2:6 17:20 26:8  <b>cap</b> 12:24  <b>capping</b> 8:19  <b>caps</b> 12:2  <b>caption</b> 28:4  <b>carried</b> 6:13,20 20:23 21:6  <b>carries</b> 23:10  <b>Caruso</b> 4:17 5:4  <b>case</b> 1:5,7 4:8 5:3 6:7,10 7:3,8  9:12 18:18 19:16 20:15,16,20  21:20 23:10 25:7  <b>cases</b> 10:13  <b>cause</b> 28:3  <b>Center</b> 1:5 4:9 5:10,12 17:23  <b>certain</b> 5:10 19:23  <b>Certificate</b> 1:5,8 4:9 5:8,22  6:4 7:22 15:9,24 17:24 18:21  19:21 20:7,13 22:3 24:4,20  26:13  <b>certify</b> 28:2  <b>Chair</b> 1:15 2:3,4 4:25 16:25  19:14  <b>CHAIRMAN</b> 2:2,10 3:12,16,22 4:2  4:7 16:3 17:7,11,15,19 18:5,8  18:11,14 24:22 25:19,23 26:3  26:7,17,20,23 27:2,8  <b>changes</b> 4:4,6  <b>check</b> 2:8  <b>Chief</b> 3:19 4:19,20 19:7,9  <b>cite</b> 7:13 21:23  <b>cited</b> 7:17  <b>clarifies</b> 10:23  <b>clearing</b> 8:21 12:21,23 13:15  14:10  <b>Climate</b> 16:19 25:10  <b>co-presided</b> 5:2 19:15</p>	<p><b>Code</b> 8:18  <b>Coeymans</b> 18:25 20:3  <b>colleagues</b> 16:23 25:14 27:10  <b>collection</b> 11:19  <b>collectively</b> 25:9  <b>combination</b> 13:7  <b>come</b> 27:5,7  <b>commenters</b> 7:12 21:23  <b>comments</b> 6:24 7:8,9 16:10,23  17:5,10 21:12,20,21 25:6,15  25:17,22,25 26:5  <b>commercial</b> 5:14 19:25  <b>Commission</b> 2:4  <b>Commissioner</b> 3:18  <b>community</b> 6:11 7:11,14 13:10  16:20 20:21 21:23,24 25:11  <b>Compatibility</b> 1:5,9 4:10 5:9  17:24 18:22 19:22 26:13  <b>complaint</b> 8:16 10:5,11,17  <b>complaints</b> 10:8,18,23,24  <b>compliance</b> 8:13 10:19 14:22  15:12 24:7  <b>complies</b> 15:9 24:4  <b>comply</b> 23:21  <b>components</b> 9:4 22:18  <b>concern</b> 8:2 22:7  <b>concerning</b> 2:13  <b>concerns</b> 7:18,20 13:10 16:9  <b>concludes</b> 9:20 10:9 23:9,20  <b>conditions</b> 5:11,23 7:22 8:2,3  15:10,24 16:8,11,16 17:25  19:23 20:8 22:3,7,8 23:21  24:5,20 25:2,7 26:14  <b>conducting</b> 2:16  <b>Conservation</b> 1:17 3:9 4:18,22  5:5 19:7,10,18  <b>considerations</b> 16:20 25:12  <b>considered</b> 10:24 13:2  <b>consistent</b> 9:4,11 15:17 22:19  24:13  <b>consisting</b> 5:17 28:5  <b>constitutional</b> 9:5 22:20  <b>construct</b> 5:13 19:25  <b>construction</b> 1:6,9 4:12 10:8  15:6,15 18:24 23:25 24:11  <b>consult</b> 10:10  <b>containing</b> 9:2 25:2  <b>contains</b> 16:8  <b>contracted</b> 12:10  <b>conversion</b> 9:23 23:12</p>
---	---

**convert** 9:8 22:23  
**converted** 10:3 23:16  
**Corporation** 1:20  
**counsel** 2:25 4:22 7:4 19:11  
**counter** 7:15 22:2  
**County** 1:7,8,11 4:13 5:15 19:2  
 20:3  
**couple** 17:2  
**course** 14:14  
**Coxsackie** 1:11  
**creating** 13:5  
**cultural** 7:19  
**currently** 21:16

---

**D**


---

**D.M.M** 7:8 21:20  
**Dakin** 4:18 15:25 19:7  
**Daniel** 19:5,17  
**Date** 1:13  
**day** 28:9  
**deal** 16:9  
**decommissioning** 9:25 14:14  
 23:14  
**deemed** 15:21 24:17  
**demand** 5:20  
**demonstrate** 9:16 23:6  
**Department** 1:16,18 3:8,14,18  
 4:15,16,18,19,21 5:4 6:19,22  
 7:7 8:9 19:3,5,6,8,10,17 21:6  
 21:10,19 22:11  
**Department's** 2:22  
**described** 17:25 26:14  
**design** 12:13 13:7  
**Designate** 3:20  
**designed** 12:22 15:11 24:6  
**development** 1:20,22 3:19,20,24  
 7:15 21:25  
**different** 10:25 13:12  
**disagreements** 13:20  
**distancing** 2:13  
**document** 6:16 21:2  
**doing** 9:22 23:10  
**Dr** 1:18,18 3:13,13,15 17:7,9  
 18:5,7 25:19,21 26:17,19  
**Draft** 9:11,20,22 10:8,21 11:5  
 11:10,16 12:5,12 13:3,17 14:4  
 14:11,18,23 23:2,9,11

---

**E**


---

**East** 1:5 4:8 5:9,12,13,22 6:13

9:20 10:9 11:24 12:12 13:3,7  
 13:21 17:23  
**economic** 3:18 7:13 15:20 21:24  
 24:16 25:11  
**education** 6:11 20:22  
**either** 13:16  
**electric** 1:2,6,10 2:4,6 4:12  
 5:14 18:24 20:2  
**electricity** 5:19  
**Elizabeth** 1:18 3:13  
**emergency** 2:16  
**Empire** 1:20 3:20  
**encouraged** 21:13  
**energy** 1:5,7,8,8,22 3:24 4:9  
 5:9,12,16 7:15 15:17,18,19  
 16:19 17:23 18:19,19,20,21  
 19:22,24 20:5,8 21:25 24:13  
 24:14,15 25:10 26:11,12  
**ensure** 10:6  
**Environment** 1:3 2:5,7  
**environmental** 1:5,8,17 3:9 4:10  
 4:18,21 5:5,8 7:24 10:6,10  
 13:16 14:24 15:6,13 16:19  
 17:24 18:22 19:6,10,18,21  
 22:5 23:25 24:8 25:10 26:13  
**Eric** 1:20 3:17  
**Erika** 4:14 5:2  
**especially** 16:10  
**establishing** 6:15 20:25,25  
**evaluate** 10:7  
**evaluating** 9:14 23:3  
**evening** 21:11  
**event** 10:11  
**evidence** 13:4  
**evidentiary** 5:25 20:11 25:4  
**Examiner** 5:4 19:17  
**Examiners** 15:22,24 24:18  
**exceeded** 12:25  
**exception** 8:8  
**execution** 8:7  
**Executive** 2:15 3:2,19  
**expectations** 3:3  
**expected** 20:3  
**expressed** 13:10  
**extensive** 5:25 6:7,20 11:9  
 20:10,16 21:7 25:3  
**extent** 9:18 12:16 14:4,8 15:3,8  
 16:15 23:8 24:3

---

**F**


---

**facilities** 5:18  
**facility** 1:7,10 4:12 5:14,16,18  
 8:20 10:19 15:7,11 18:25 20:2  
 20:5 24:2,6  
**factors** 15:21 24:17  
**failed** 10:6  
**fair** 6:7 20:16  
**far** 12:9  
**farm** 8:20 21:16  
**farmers** 11:5  
**farmland** 9:2,2,9,24 10:2 13:6  
 14:3,7,9,12 17:3 22:17,24  
 23:13,16  
**favor** 17:22 18:4,7,10,13 26:10  
 26:16,19,22,25  
**feasibility** 21:17  
**feasible** 14:4,8  
**February** 21:12  
**fields** 11:5  
**filing** 11:20  
**find** 15:15 24:11  
**finding** 14:23 15:5,10 23:24  
 24:5  
**findings** 6:2 10:19 20:12  
**finds** 11:5,11 12:5 13:18 14:4,5  
 14:19,22  
**first** 4:8 10:4 12:2 14:2  
**five** 11:21  
**flow** 25:7  
**flowing** 25:3  
**flows** 16:6  
**food** 9:7 22:21  
**foot** 11:13  
**footprint** 20:5  
**foregoing** 15:4 23:23 28:2,5  
**forth** 15:19 24:15  
**found** 2:25  
**four** 9:3 12:8,24,25  
**fully** 14:14  
**funded** 14:14  
**funding** 7:5 21:15  
**further** 17:5 27:5,7

---

**G**


---

**gatherings** 2:14  
**general** 2:25 4:22 7:14 19:11  
 21:25  
**generally** 16:11  
**generate** 5:19 20:4  
**generating** 1:6,10 4:12 5:14

18:25 20:2  
**Generation** 1:2 2:5,6 18:24  
**Gertler** 1:20 3:17  
**given** 8:22 12:3  
**global** 7:16 22:2  
**going** 2:21 16:20  
**good** 2:2,8 4:24 16:5 19:13  
**grant** 5:22 20:7  
**granting** 5:8 19:21  
**gratitude** 27:9  
**grazing** 21:18  
**Great** 3:12  
**greater** 13:13,13  
**greatest** 13:8  
**Greene** 1:7,8,8,11  
**Gregg** 4:15 5:3  
**grounded** 25:9  
**group** 9:3  
**guidelines** 2:13

---

**H**


---

**HALLOWELL** 28:2,12  
**harms** 7:15 22:2  
**health** 1:18 3:14 15:13 24:8  
**hearing** 6:23 7:9 21:21 28:7  
**hearings** 21:11  
**Hecate** 1:7,8,8 18:19,20,20  
 19:22,24 20:7,23 23:9,18  
 26:11,12  
**hereof** 28:4  
**hereto** 28:4  
**hereunto** 28:8  
**highway** 11:14 13:9  
**historical** 7:20  
**holds** 9:11 23:2  
**homes** 5:21  
**honoring** 3:3  
**hosted** 6:22 21:10  
**hours** 20:4  
**Howard** 1:18 3:13

---

**I**


---

**I'd** 2:5  
**I'll** 25:14  
**I'm** 18:19 26:9  
**identical** 10:18,24  
**identified** 7:24 16:9,14 22:5  
**impact** 7:19 8:23 13:13,13,16  
 14:13,25  
**impacts** 7:18,19,24,25 8:11,13



9:14,17 11:8 12:15,18 13:5,8 14:11,17,25 15:6 16:14 22:5,6 22:13,14 23:3,6,25 <b>impossible</b> 12:7 13:4 <b>include</b> 11:18 <b>included</b> 6:7,14 11:21 20:24 <b>including</b> 7:25 14:25 15:23 16:18 20:17,18 22:6 24:19 <b>increase</b> 13:16 <b>information</b> 6:17 21:4 <b>inspections</b> 11:22 <b>instance</b> 20:21 <b>instances</b> 6:11 <b>integrating</b> 21:17 <b>intent</b> 3:4 <b>interest</b> 15:16 16:18 24:12 25:13 <b>Intervenor</b> 7:5 21:15 <b>introduce</b> 3:6 <b>involve</b> 10:25 <b>involved</b> 12:24 <b>involvement</b> 6:14 20:24 <b>involves</b> 12:22 <b>issue</b> 8:12 16:16 <b>issued</b> 9:12 <b>issuing</b> 6:3 20:13 <b>item</b> 4:8 5:6 16:21 18:18 19:19 25:13	<b>large</b> 2:14 5:16 <b>law</b> 1:6,9 2:16 3:4 4:11,14,16 4:17,19,21 6:5 8:14,19 9:15 12:20 13:14,18,25 14:2,16,19 14:23 15:13 18:23 19:3,4,6,7 19:9 20:14 23:5 24:8 <b>laws</b> 11:25 13:22 23:19,22 24:8 <b>Leary</b> 19:4,16 <b>Lecakes</b> 4:19 15:25 19:7 <b>led</b> 10:18 <b>let's</b> 4:3 <b>Lewis-Michl</b> 1:18 3:13,15 17:8,9 18:6,7 25:20,21 26:18,19 <b>life</b> 7:22 <b>light</b> 12:17 <b>limitation</b> 12:5 <b>limitations</b> 10:20 <b>limiting</b> 8:21 13:14 <b>limits</b> 12:21 <b>line</b> 2:12 <b>lines</b> 2:19 11:19 <b>list</b> 6:22 21:9 <b>listen</b> 2:21 <b>LLC</b> 1:5,8,8,8 <b>local</b> 6:16 7:11,13 8:14 11:4,25 13:14,18,22 14:2,16,23 15:12 21:2,22,24 23:19,22 24:7 <b>located</b> 1:7,10 4:13 18:25 <b>location</b> 11:2 12:17 13:12 <b>long</b> 15:18 24:14 <b>loss</b> 7:18 <b>Lou</b> 3:7 <b>LOUIS</b> 1:16
<b>J</b>	
<b>James</b> 4:20 15:25 19:8 <b>January</b> 1:13 28:9 <b>John</b> 1:15,21 2:3 3:23 17:21 26:9 <b>joined</b> 8:10 <b>joining</b> 27:10 <b>Judge</b> 4:14,16,17,19,21,23 16:4 19:3,4,6,8,9,12 24:23,23 <b>judgment</b> 16:13 25:12	
<b>K</b>	
<b>Kauffman</b> 1:21 3:23 <b>keeping</b> 2:14	
<b>L</b>	
<b>L.L.C</b> 4:9 5:10,12 9:12 17:23 18:19,20,21 26:11,12 <b>land</b> 7:19,21 8:12,18,20,21 13:14 22:14 <b>lands</b> 9:6 22:21	<b>making</b> 10:17 <b>Market</b> 8:24 <b>Markets</b> 8:9 22:12,15 <b>matter</b> 18:15,15 27:3 <b>Maureen</b> 19:4,16 <b>maximum</b> 9:18 12:16 14:4,7 15:2 15:8 16:15 23:8 24:3 <b>McClymonds</b> 4:20 15:25 19:9 <b>means</b> 6:25 21:13 <b>meet</b> 3:2,3 5:20 <b>meeting</b> 1:12 2:6,12,17,21,23 27:12 <b>Meetings</b> 2:16 3:4 <b>megawatt</b> 19:25 20:4 <b>megawatts</b> 5:19 12:9,10

**members** 3:7 4:25 19:14  
**Michael** 4:17 5:4  
**miles** 11:14  
**milestones** 6:10,21 20:20 21:8  
**minimization** 14:3,17  
**minimize** 11:7 14:9  
**minimized** 9:18 14:7 15:2,7  
 16:14 23:7 24:2  
**minimizes** 12:14  
**minimizing** 2:14 14:10  
**mitigated** 9:18 16:15 23:8  
**mitigating** 16:16  
**mitigation** 11:17,21  
**Mohawk** 9:12  
**monitor** 10:7,10  
**motorists** 11:4  
**move** 18:17  
**moving** 3:5  
**multiple** 6:24  
**mute** 2:19

---

**N**

---

**name** 5:2 19:15 28:9  
**nearby** 11:4,5  
**necessary** 11:23  
**need** 1:6,9 4:10 5:9 12:18 14:9  
 17:25 18:22 19:22 26:14  
**negotiated** 8:4 22:9  
**negotiation** 8:6  
**negotiations** 22:11 25:8  
**new** 1:2,21 3:18,23 5:21 11:2  
**noise** 8:16 10:5,7,17,20,25 17:3  
**non-agricultural** 9:9,24 22:24  
 23:13  
**note** 2:12 16:11 25:5,6  
**notes** 14:11  
**notice** 6:8,20 20:19 21:7  
**noting** 9:25 23:14  
**Notwithstanding** 8:7  
**number** 6:17 9:13 21:3  
**numerous** 6:12 20:22

---

**O**

---

**O'Connell** 19:5,17  
**objected** 8:15,25  
**objection** 10:15  
**objections** 8:10 10:4 11:7 22:12  
**objectives** 15:18 24:14  
**objects** 11:3 22:16  
**occupy** 20:6

**occupying** 21:16  
**October** 6:23  
**off-sets** 11:18  
**offer** 5:6 19:19  
**Officer** 3:19  
**open** 2:15 3:4 6:7 11:5 16:7  
 20:16 25:3  
**operate** 5:13 15:11 19:25 24:6  
**operation** 15:7,15 21:16,18 24:2  
 24:11  
**Opponents** 7:17  
**opportunities** 6:12 20:22  
**opportunity** 2:21  
**opposition** 7:10  
**order** 2:7 5:7,24,24 7:23 9:11  
 9:12,20,22 10:8,21 11:5,11,16  
 12:5,12 13:3,17 14:4,11,19,23  
 15:14,23 16:6,8 19:20 20:9,10  
 21:16 22:4 23:2,9,11,20 24:10  
 24:19,25,25 26:9  
**Orders** 2:15 3:2  
**outcomes** 16:17  
**outreach** 6:11,20 20:22 21:7  
**overall** 16:17

---

**P**

---

**page** 2:22 28:4  
**pages** 28:6  
**panels** 5:18 11:19  
**parcel** 8:20,22 12:3,4,22 13:15  
**parcels** 12:8,24,25  
**part** 8:10,17 10:9  
**participating** 2:19  
**participation** 6:12 20:23  
**parties** 7:2 8:4 11:13,17 12:13  
 16:12 22:9  
**party** 6:21 7:4 21:8  
**pay** 10:16  
**percent** 8:22 9:8 12:4,21,23,24  
 13:15 22:23  
**Perfect** 2:10  
**permanent** 3:7 9:23 23:12  
**permanently** 9:8 10:3 22:23  
 23:16  
**phases** 6:8 7:6 20:19  
**Phillips** 2:9 4:3,5 27:4,6  
**phone** 2:19  
**photovoltaic** 5:17  
**place** 28:3  
**plan** 11:21 15:20 24:16

**planning** 15:18 24:14  
**planting** 11:21  
**please** 2:19 4:23 19:12  
**pleasure** 25:5  
**pm** 1:13  
**Point** 1:5 4:9 5:9,12,13,23 6:13  
 9:21 10:10 11:24 12:12 13:21  
 17:23  
**Point's** 13:3,7  
**policies** 15:18 16:19 24:14  
 25:11  
**policy** 9:5 22:20  
**posed** 7:15 22:2  
**post-application** 6:8 20:18  
**potentially** 10:23 13:23  
**power** 12:9  
**practicable** 9:19 12:16 15:3,8  
 23:8 24:3  
**practical** 16:15  
**practice** 2:23  
**pre-application** 6:8 7:6 20:18  
**preceded** 20:17,17  
**present** 3:10,11,15,21,25  
**presentation** 16:4 17:4  
**presented** 4:14 19:2  
**preserve** 9:6 22:21  
**President** 3:19  
**previous** 10:17  
**previously** 10:12  
**prime** 9:2,8,24 10:2 14:3,7,12  
 17:3 22:17,23 23:13,15  
**prior** 10:24  
**priority** 9:2  
**probable** 15:5 23:24  
**procedural** 13:24 14:19  
**proceed** 17:20 26:8  
**proceeding** 21:14  
**proceedings** 28:6  
**process** 6:6,19 16:7 20:15 21:6  
 25:4  
**produce** 12:9,11  
**producing** 22:21  
**production** 9:6  
**products** 9:7 22:22  
**program** 6:14 20:24  
**prohibit** 13:17  
**project** 5:16 6:15,17,21 7:10,13  
 7:17,24 8:12 9:4,9,23 10:3  
 11:11,15 12:2,7,8,10,14,17,22  
 13:5,17 14:6,13,22 15:16,17

20:3,25 21:3,8,18,22,23 22:5  
 22:24 23:12,17,20 24:12,13  
**project's** 7:21 8:23 11:3,7  
 13:16 22:14,17  
**projects** 9:7 11:25 22:22  
**proposal** 8:4,8 22:9  
**propose** 22:3  
**proposed** 5:7,24,24 7:22,23 8:2  
 8:3,16 10:5,21 11:9,12,17  
 15:14,23 16:6,8 19:20 20:9,10  
 22:4,7,8 23:19,21 24:10,19,24  
 24:25 26:9  
**proposes** 5:13 19:24  
**protected** 25:2  
**protocol** 8:17 10:5,12 17:3  
**provide** 25:9  
**provided** 6:9 15:8 20:19 24:3  
**provision** 10:11,12,16 14:5  
**provisions** 2:15 8:18  
**public** 1:6,6,9,9 2:3,20 4:10,11  
 4:15,16,20 5:9 6:4,9,12,13,19  
 6:20,23,24 7:7,8 8:2 9:15  
 13:25 15:16 16:7,10,18 17:25  
 18:22,23 19:3,5,8,22 20:14,19  
 20:23,24 21:6,7,10,12,19,20  
 22:7 23:4 24:12 25:3,12 26:13  
**pursuant** 1:6,9 4:10 6:4 18:22  
 20:13

---

**Q**


---

**question** 11:2  
**questions** 4:23 16:2,24 17:2,6,9  
 17:13,18 19:12 24:21 25:15,18  
 25:21 26:2,6

---

**R**


---

**raise** 22:12  
**raised** 8:10 16:10  
**range** 15:18 24:14  
**Ravaschiere** 1:20 3:17,21 17:12  
 17:13 18:9,10 25:24,25 26:21  
 26:22  
**reasonable** 14:8 16:16  
**reasonably** 10:22  
**received** 7:7 21:19  
**recommend** 15:22 24:18  
**recommendation** 17:22 18:16  
 26:10 27:3  
**record** 2:22 6:2 15:4,10 16:6  
 17:21 20:11 23:23 24:5 25:4

26:9 28:6	<b>Richard</b> 1:21 3:23
<b>reflect</b> 7:9	<b>roads</b> 11:4
<b>regard</b> 9:21	<b>Robert</b> 4:22 15:24 19:10
<b>regulations</b> 15:13 24:9	<b>robust</b> 5:25 20:10
<b>rejects</b> 9:22 23:11	<b>Rosenthal</b> 4:22 15:25 19:11
<b>related</b> 5:18 11:25	<b>Route</b> 11:10,12 13:10
<b>relates</b> 8:13	
<b>relating</b> 17:2	<b>S</b>
<b>relevant</b> 15:21 24:17	<b>safety</b> 15:13 24:8
<b>remarks</b> 5:6 19:19	<b>satisfied</b> 9:21
<b>remediation</b> 11:22	<b>Sayre</b> 4:15 5:3
<b>remind</b> 2:18	<b>scale</b> 5:14,16 19:25
<b>remotely</b> 2:17	<b>scenic</b> 11:8,10 12:19 13:6,9 14:11,25
<b>renewable</b> 5:16 7:14	<b>Schoharie</b> 1:7 4:13 5:15
<b>renewal</b> 21:25	<b>screening</b> 11:10,12,20 14:18
<b>reported</b> 28:3	<b>second</b> 10:15 12:20 14:16
<b>Reporter</b> 28:12	<b>Secretary</b> 2:9 4:3,5 27:4,6
<b>repositories</b> 6:16 21:2	<b>Section</b> 9:15 23:5,5
<b>represent</b> 16:16	<b>sections</b> 8:16
<b>represented</b> 7:4	<b>see</b> 16:5
<b>representing</b> 3:6	<b>Seggos</b> 1:16 3:8
<b>request</b> 12:21 14:6	<b>segments</b> 11:14
<b>requested</b> 8:17	<b>sent</b> 6:20 21:7
<b>requesting</b> 23:18	<b>separately</b> 13:2
<b>requests</b> 11:24 13:23	<b>serve</b> 15:16 24:12
<b>required</b> 14:6,24	<b>serves</b> 16:18 25:10
<b>requirement</b> 14:21	<b>service</b> 1:6,9 2:3 4:11,15,17,20 6:5,19,22 9:15 13:25 18:23 19:4,5,8 20:14 21:6,9 23:5
<b>requirements</b> 3:2 8:14 10:22 23:22	<b>set</b> 15:19 24:15
<b>requires</b> 10:16 14:2,16	<b>setbacks</b> 11:18
<b>requiring</b> 13:23	<b>settlement</b> 8:4,5,8 16:12 22:9 22:10 25:8
<b>Research</b> 1:22 3:24	<b>settling</b> 11:12,17 12:13
<b>resident</b> 11:2	<b>seven</b> 10:2
<b>residents</b> 10:16	<b>Sharon</b> 1:7 4:13 5:15 7:3
<b>resolution</b> 8:16 10:5 16:17	<b>shed</b> 13:11,13
<b>resources</b> 7:20 8:24 9:14,17 12:15,15,19 22:15 23:4,7	<b>short</b> 11:13
<b>respect</b> 6:9 8:23 20:20 22:14	<b>significant</b> 6:10,21 11:19 20:20 21:8
<b>respond</b> 10:7	<b>similar</b> 20:16
<b>restoration</b> 7:21 10:2 23:15	<b>site</b> 9:25 21:16 23:14
<b>restrictions</b> 11:6	<b>siting</b> 1:1,2,12 2:1,5,7 3:1,7 4:1,25 5:1,7 6:1,3 7:1 8:1 9:1,3 10:1,13,20 11:1 12:1 13:1 14:1 15:1 16:1,22 17:1 18:1 19:1,14,20 20:1,12 21:1 22:1,17 23:1,19 24:1 25:1,14 26:1 27:1 28:1
<b>result</b> 8:5 9:23 22:10 23:12	
<b>reversible</b> 14:13	
<b>review</b> 6:6 20:15	
<b>reviewed</b> 2:24	
<b>Rhodes</b> 1:15 2:2,3,10 3:12,16,22 4:2,7,25 16:3 17:2,7,11,15,19 17:21 18:5,8,11,14 19:14 24:22 25:19,23 26:3,7,9,17,20 26:23 27:2,8	

**six** 12:9  
**social** 2:13 15:20 24:16 25:11  
**soil** 9:3  
**solar** 1:6,9 4:12 5:14,17 8:14  
 8:20 9:12 11:25 12:2 18:24  
 20:2  
**solicited** 6:24  
**solution** 25:9  
**sorry** 18:19  
**sound** 10:16  
**speaking** 2:20  
**specific** 6:15 12:16 21:2  
**Staff** 8:9,25 22:11,15,19 27:9  
**standard** 9:13,15 23:3,4  
**stands** 10:14  
**started** 2:11  
**State** 1:2,20,22 3:18,20,24 7:2  
 15:12,17,19 16:18 24:7,13,15  
**State's** 9:5 22:20 25:10  
**stated** 28:4  
**statement** 6:23 7:9 21:11,21  
**statute** 14:20  
**statutory** 6:2 9:5 20:11 22:20  
**straight** 21:22  
**strategies** 15:19 24:15  
**strong** 13:9 25:4  
**subject** 5:10,23 7:25 12:20  
 19:23 20:8 22:6 23:20  
**subscribed** 28:9  
**substantive** 13:22 14:5 23:21  
**sufficient** 10:14  
**support** 7:10,12,14 16:20 21:22  
 21:23,25  
**supported** 5:25 20:10  
**supporting** 25:13  
**supportive** 25:6  
**supports** 6:2 15:5,10 20:11  
 23:24 24:5  
**suspending** 2:15

---

**T**


---

**tailored** 10:22  
**take** 24:24  
**telephone** 6:16 21:3  
**Ten** 12:7  
**terms** 5:10 19:23 25:2  
**tests** 10:17  
**thank** 2:10 3:12,16,22 4:2,7,24  
 16:2,3,25 17:6,7,11,13,15,17  
 17:19 18:5,8,11,14 19:13

24:20,22,23 25:18,19,23 26:2  
 26:3,5,7,17,20,23 27:2,8  
**things** 6:15 20:25  
**thorough** 16:7  
**thoughtful** 16:5 24:25  
**three** 10:18 13:7  
**Thursday** 1:13  
**time** 14:10 24:21 28:3  
**today** 2:12 17:5 27:5,7,11  
**today's** 2:17  
**toll-free** 6:16 21:3  
**total** 12:23  
**Town** 1:7,10 4:13 5:15 7:3,4,5  
 8:10,12,15 11:3,9 13:21 14:18  
 14:21 18:25 20:2  
**Town's** 8:18 10:4,15 11:6,25  
**transcribe** 2:23  
**transcription** 28:5  
**tree** 14:10  
**true** 28:6  
**turn** 16:22 25:14  
**two** 8:15,18 10:4,17 11:24 12:25  
 13:21 18:21 26:12  
**types** 10:25  
**typewritten** 28:5

---

**U**


---

**underground** 11:19  
**underlying** 16:5  
**undesirable** 13:5  
**undisputed** 8:5 22:10  
**unnecessary** 11:7  
**unreasonably** 12:6 13:18  
**urges** 22:19  
**use** 8:18,25 9:9,25 12:2 14:3,7  
 14:9 22:16,24 23:14  
**useful** 7:22 25:2

---

**V**


---

**values** 11:8 15:2  
**vegetative** 11:20  
**view** 9:4 13:11,13  
**views** 12:19 13:6,9 14:11  
**Vincent** 1:20 3:16  
**visibility** 11:4,6,11  
**visual** 7:18 8:13 11:10,16,21  
 14:17  
**vote** 17:20,21 18:2,3,6,9,12  
 26:8,10,15,16,18,21,22,24,25

<b>W</b>	
<b>waive</b> 23:19	<b>17-F-0182</b> 9:13
<b>waived</b> 13:24 14:20	<b>17-F-0599</b> 1:1,5 2:1 3:1 4:1,8
<b>waiver</b> 8:18 11:24 13:23 14:6	5:1 6:1 7:1 8:1 9:1 10:1 11:1
<b>warming</b> 7:16 22:2	12:1 13:1 14:1 15:1 16:1 17:1
<b>wavier</b> 12:20	18:1 19:1 20:1 21:1 22:1 23:1
<b>We'll</b> 2:22	24:1 25:1 26:1 27:1 28:1
<b>webcast</b> 2:22	<b>17-F-0617</b> 1:1 2:1 3:1 4:1 5:1
<b>WebEx</b> 6:23	6:1 7:1 8:1 9:1 10:1 11:1
<b>website</b> 6:15 21:2	12:1 13:1 14:1 15:1 16:1 17:1
<b>weight</b> 13:8	18:1,18 19:1 20:1 21:1 22:1
<b>well-</b> 25:8	23:1 24:1 25:1 26:1 27:1 28:1
<b>WHEREOF</b> 28:8	<b>17-F-0619</b> 1:7
<b>wildlife</b> 7:19	<b>18th</b> 21:12
<b>Williams</b> 1:21 3:23,25 17:16,17	<b>19</b> 23:15
18:12,13 26:4,5,24,25	<b>2</b>
<b>WITNESS</b> 28:8	<b>2</b> 1:8
<b>woodland</b> 13:6	<b>2:30</b> 1:13
<b>woodlands</b> 12:19,21	<b>20</b> 11:10,12 12:3 13:9,11
<b>work</b> 16:5 27:10	<b>2020</b> 6:23 21:12
<b>X</b>	<b>2021</b> 1:13 28:9
<b>Y</b>	<b>217</b> 22:16 23:13
<b>years</b> 10:18	<b>220</b> 20:6
<b>York</b> 1:2,21 3:18,24 5:21	<b>24</b> 7:7
<b>Z</b>	<b>27</b> 28:6
<b>Zoning</b> 8:19	<b>287</b> 8:25 9:24
<b>Zuckard</b> 3:14	<b>3</b>
<b>Zucker</b> 1:18	<b>3</b> 1:8
<b>0</b>	<b>3-C</b> 23:5
<b>1</b>	<b>30</b> 8:22 12:21,23,24 13:15
<b>1</b> 1:7 28:4,6	<b>300</b> 14:12
<b>1-7-2021</b> 1:1 2:1 3:1 4:1 5:1	<b>350</b> 5:17
6:1 7:1 8:1 9:1 10:1 11:1	<b>4</b>
12:1 13:1 14:1 15:1 16:1 17:1	<b>40</b> 19:25
18:1 19:1 20:1 21:1 22:1 23:1	<b>5</b>
24:1 25:1 26:1 27:1 28:1	<b>50</b> 5:19 12:10
<b>1,600</b> 11:13	<b>6</b>
<b>1.9</b> 11:14	<b>7</b>
<b>10</b> 1:6,9 4:11 6:4,6,18 9:8 12:4	<b>7</b> 1:13
13:25 14:20,24 18:23 20:13	<b>73,000</b> 20:4
21:5 22:23	<b>8</b>
<b>13th</b> 28:9	<b>8,000</b> 5:21
<b>16</b> 21:19	<b>9</b>
<b>168</b> 23:5	
<b>168-C-3-C</b> 9:15	