

**MINUTES
SPECIAL SESSION
Herkimer County Legislature
Friday, February 12, 2010
12:00 p.m.**

The Special Session of the Herkimer County Legislature was called to order by Chairman Smith at 12:00 p.m.

Chairman Smith called on Robert Malone, County Attorney to lead the Legislature in the Pledge of Allegiance.

The Clerk called the roll, the following answered:

Present: Piseck, Keblish Maneen, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (15).

Absent: Rose, Stone (2).

The Clerk read the Notice of the Special Session.

Chairman Smith stated that the communication received by the Legislature and the Committee to which it was referred was listed on the agenda and asked if any member of the Legislature requested mention of that particular communication. There was no request to have the communication read.

No. 4 – A communication was received from the Chairman of the Legislature requesting the Special Session. Referred to the Committee on Ways and Means.

On motion of Mr. Shaw, seconded by Mr. Keblish, Resolution No. 35 of the Committee on Ways and Means adopting County position in connection with Hardscrabble Wind Project was handed up; discussion was held; was voted on and adopted by the following roll call vote:

For: Piseck, Keblish, Maneen, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, (15).

Against: None. Abstain: Weakley (1).

Absent: Rose, Stone (2).

No. 35

RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS ADOPTING COUNTY POSITION IN CONNECTION WITH THE HARDSCRABBLE WIND PROJECT

WHEREAS, Herkimer County has been engaged in negotiating a proposed settlement of wind project pilot payments with wind developers; and

WHEREAS, your committee has adopted county position in connection with the Hardscrabble Wind Project to be developed in the near future; now, therefore, be it

RESOLVED, that the County's position in connection with PILOT payments for the Hardscrabble Wind Project is as follows:

1. Herkimer County will accept its prorated share of \$8,000 per megawatt. PILOT payments shall not cover substations in the event they are turned over to or owned or developed by a third party.
2. There shall be a cost of living adjustment for payments with a floor of 2 ½% and ceiling of 5% with cost of living adjustments to commence in 2010, so that the January 2012 PILOT payment shall be a minimum of \$8,405 per megawatt, depending on the cost of living.
3. The term of the IDA PILOT agreement shall be twenty (20) years, and the County will be held harmless for sales tax and mortgage tax during the entire term of the PILOT.
4. There shall be a construction impact payment made to the County of \$400,000 to be paid within 60 days of the commencement of construction.
5. The County shall be held harmless in connection with county roads through the execution of an appropriate agreement and the posting of the appropriate security by the developers.
6. If future projects in Lewis and Jefferson Counties receive higher per megawatt payment amounts from this or a related developer during the 3 year period from the first per megawatt payment to Herkimer County, Herkimer County's per megawatt amount shall increase to that higher level.
7. The PILOT agreement shall contain all payments to municipalities or organizations on behalf of the municipalities, but shall not include payments or contributions from time to time for various related community purposes.
8. If the wind turbines interfere in any way with the E-911 transmissions, the project owners shall take all necessary steps to resolve such problems, and hold the County harmless from any costs to resolve such problems.
9. The final form of the PILOT or other agreements shall be subject to the approval of the County Attorney.

10. The Chairman of this Legislature is authorized to execute any such agreements on behalf of the County of Herkimer.
11. That, certified copies of this Resolution be forwarded to the County Auditor, County Treasurer, Budget Officer and Herkimer County Attorney.

Dated: February 12, 2010.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways & Means

On motion of Mr. Manno, seconded by Mr. Maneen, the Special Session adjourned at 12:13 p.m.