

**Agricultural and Farmland
Protection Board Meeting
February 25, 2021
APPROVED**

I. CALL TO ORDER – Chairman Lawton called the meeting to order at 1:06 PM.

II. ATTENDANCE

A. Members: Elaine Jardine, Tim Lawton, Howard Visscher, Ed Hollenbeck, Lisa Bloodnick, Dale Weston, Pam Moore, John Lacey

B. Excused: Terie Huseby

C. Absent: T Hanson, Ben Whittimore

D. Staff: Megan Griffiths

E. Guests: Wendy Walsh of TCSWCD, Barb Neal of CCE Tioga

III. APPROVAL OF AGENDA – Chair Lawton asked for a motion to approve the agenda. Legislator Dale Weston made the motion to approve the agenda; Elaine Jardine seconded the motion. All were in favor.

IV. APPROVAL OF MINUTES – Chair Lawton allowed a few minutes for everybody to look over the minutes, then asked for a motion to approve the following minutes:

A. September 9, 2020 – Pam Moore pointed out that in Item 5, there is a blank where the new total acreage for Spencer Agricultural District #1 is supposed to be. Megan Griffiths said she would complete that. Howard Visscher made the motion to approve the minutes; Legislator Dale Weston seconded the motion. All were in favor.

V. 2021 ANNUAL AGRICULTURAL DISTRICT INCLUSIONS – Megan Griffiths reported the following:

This year's solicitation for requested inclusions resulted in the addition of 146.11 new acres added to the county's Agricultural Districts; 143 acres on two properties were added to Spencer Ag District #1, as well as a parcel split of 20.5 existing acres, and 2.11 acres on one property added to the North Tioga Ag District #3. The SEQR EAF has been completed accordingly.

Chair Lawton asked for a motion to approve Resolution #1 of 2021 to Recommend Adoption of the modification to the Spencer Agricultural District #1 and North Tioga Agricultural District #3. Pam Moore made the motion to approve the resolution; Legislator Ed Hollenbeck seconded the motion. All were in favor. Tim Lawton, Chair, signed the resolution.

VI. RIGHT TO FARM MODEL LAW

John Lacey updated the Board members on activity regarding this model law since last September's Board meeting. The Farm Bureau Board

reviewed the model law and removed the entire section establishing the local committee and procedure for resolving disputes, leaving all disputes to be remediated by NYS Department of Agriculture & Markets. Cub Frisbee, Farm Bureau Board President, has begun promoting the model law this way to Town Boards. He started with the Town of Barton Board.

Elaine Jardine brought up the issue that if the model law is being presented to Town Boards this way, Town Boards do not even know that there is a local option to resolving disputes. Both EDP and the Farm Bureau had contacted Ag & Markets during these past few months to ask if sound agricultural practices opinions could be provided for farmland involved that is NOT enrolled in the NYS Agricultural Districts Program. While they got two different versions, the answer was yes, this is done for all requests. Although, EDP was told it could take months to get a response from Ag & Markets to any given nuisance case. Elaine Jardine would simply like to see that local dispute resolution section be included back in the RTF model law as an option before the Farm Bureau continues to promote it to town boards. Cub Frisbee was supposed to call her regarding this at the end of last year, and she did not receive a call from him to discuss. She would have appreciated this discussion before he went to the Town of Barton.

VII. SOLAR PROJECTS ON AGRICULTURAL LAND

Elaine Jardine started this discussion by informing the Board the solar projects vs. farmland attributes map application has been completed and the link has been emailed to Board members. This map will be continually updated as more solar project proposals are received and go through local approvals. As it stands right now, there are minimal projects that have been located on mostly marginal farmland. Pam Moore said from her point of view, any farmland in the county that is taken up by solar projects is a loss of farmland no matter what type of farmland is impacted.

John Lacey stated that Ag & Markets has reclassified agricultural soils for this purpose, which includes the USDA prime farmland, classes 1-4, as food producing soils, but also adds classes 5 and 6 as pasture land, to be protected.

Chair Lawton brought up the issue that for farmers who are working (renting) land from non-farm land owners, that land is now in jeopardy because the land owners now have the opportunity to get solar lease payments that are higher than the farmer can afford to pay.

John Lacey brought up the NYS ORES (Office of Renewable Energy Siting) which now has jurisdiction over solar projects 25MW and greater. Elaine Jardine said that our experience to date is that solar developers are keeping their project to under that 25MW size to avoid the state process.

John also stated that the Article VII process can allow a public utility to use eminent domain to acquire property.

Elaine Jardine then pointed out that our EDP Office is still not receiving Notice Of Intents for solar projects for AFPB review and comment, even after requesting this of Ag & Markets. She will look into this further.

Barb Neal reminded Board members about the CALS study of the impacts of solar projects on land in agricultural production. The intern will start in June and complete the study at the end of August. She also informed the Board of upcoming training conference for CCE Educators on solar projects. She will ask if County AFPB members can attend as well.

VIII. AGRICULTURAL RESOURCE GROUP ACTIVITY

Megan Griffiths reported the following activity:

- Updating the 2006 Ag Resource Directory in a digital format that will contain ag service providers, technical assistance and financial resources
- Now that spring is coming, will work on another media awareness campaign regarding farm equipment on the road
- Promoting NYSERDA's Farm Energy Audits to local farmers

Chair Lawton inquired about the status of Sundaes at the Farm for 2021. Megan said no decision has been made.

IX. OTHER BUSINESS OFFERED FROM THE FLOOR

Legislator Dale Weston continued discussion regarding the safety of Amish buggies on the road. He asked if anyone knew what the highway or traffic safety regulations or requirements were in order for them to travel on roads. Many members said they had to have reflective items on them. Pam Moore asked about signal indicators. No one knew that answer. Mr. Weston said he would check with Sheriff Gary Howard. Pam Moore said she would follow up with her neighboring Amish family.

X. ADJOURNMENT

With no further discussion, Chair Lawton motioned to adjourn. Legislator Hollenbeck seconded the motion. All were in favor. Meeting was adjourned at 2:18 PM.

Respectfully submitted,
Elaine Jardine
County Planning Director, Economic Development & Planning