

April 7, 2025

Finance Committee: 3-24-2025

RESOLUTION NO. 125-2025

**SETTING A DATE FOR A PUBLIC HEARING ON PROPOSED LOCAL LAW E
(NO. __) FOR THE YEAR 2025, “A LOCAL LAW SUPERSEDING COUNTY LAW
SECTION 215 TO EXTEND A LEASE TO EMPIRE STATE MINES, LLC. FOR
EXPLORATION AND DEVELOPMENT OF COUNTY OWNED MINERAL RIGHTS”**

By Mr. Hull, Chair, Finance Committee

WHEREAS, under the Real Property Tax Law, the County of St. Lawrence serves as the tax-enforcing entity with the ability to collect and foreclose upon unpaid tax debts, and

WHEREAS, in the 1950s, 1960s, and 1970s, prior to the current statutory scheme, it was possible to both assess and tax mineral right interests separate and distinct from the interests of the real property for which those mineral rights were derived from, and

WHEREAS, during the period from 1950 to 1979, the County of St. Lawrence (hereinafter referred to as "County") became the record title owner of ninety-three (93) parcels of mineral rights located in the Town of Edwards, Town of Clare, Town of Fine, Town of Fowler, Town of Pitcairn, Town of Hammond, Town of Macomb, Town of Rossie, and Town of Gouverneur which is recorded in the St. Lawrence County Clerk's Office (collectively, the "Parcels"), and

WHEREAS, the County has never explored the Parcels to determine if they are of any value or are bereft of benefit, and

WHEREAS, since acquisition, while the mineral rights have not been exercised, the County has continued to make the underlying towns whole for all lost tax income related to the mineral rights, and

WHEREAS, on January 2, 2025, the Board of Legislators adopted Resolution No. 29-2025 authorizing one or more lease agreements on certain parcels in the Southern Region of St. Lawrence County with Empire State Mines, LLC (“ESM”), subject to review and approval by the County Attorney, and

WHEREAS, during negotiations with ESM concerning such lease agreements, the County and ESM have discussed entering into an agreement for up to forty (40) years to encourage development of the mineral rights on some of the Parcels and an agreement of up to twenty-five (25) years that would grant ESM an option to enter with the County into similar lease agreements concerning the balance of the Parcels, under terms and conditions that are mutually agreeable, and

WHEREAS, pursuant to County Law § 215, counties are generally precluded from leasing county-owned property for periods of time that exceed five (5) years, and

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WHEREAS, pursuant to Municipal Home Rule Law § 24, a county may lease county-owned property for a period greater than five (5) years, upon the passage of a local law subject to permissive referendum, and

WHEREAS, in exchange for the lease and option agreements, ESM would commit to the following:

1. Upon the expiration of a lease or option agreement relating to any Parcel, to turn over to the County all exploration data and similar information relating to that Parcel that ESM has generated during the term of the agreement; and
2. To commit to maintain employment at ESM's facility in St. Lawrence County with the expectation of greater expansion should sufficient mineral deposits be located; and
3. For any new jobs created relating to the exploration and development (including mining) of the Parcels, to give first priority for such jobs to residents of St. Lawrence County who are qualified for such jobs and who apply for such jobs;

WHEREAS, the lease and option agreements would be advantageous to both the County and ESM, and

WHEREAS, the Board of Legislators has made it a priority to assist in economic development that brings with it the potential for job creation in the County, and

WHEREAS, the law requires that adoption of a local law pursuant to Municipal Home Rule Law §24 be preceded by a public hearing,

NOW, THEREFORE, BE IT RESOLVED that a public hearing on proposed Local Law E (No. __) for the Year 2025, "Adopting a Local Law Superseding County Law Section 215 to Extend a Lease to Empire State Mines, LLC. for Exploration and Development of County Owned Mineral Rights" will be held on Monday, May 5, 2025, at 5:50 p.m. in the Legislative Chambers.

**PROPOSED LOCAL LAW E (NO. __) FOR THE YEAR 2025,
"A LOCAL LAW SUPERSEDING COUNTY LAW SECTION 215 TO EXTEND A
LEASE TO EMPIRE STATE MINES, LLC. FOR EXPLORATION AND
DEVELOPMENT OF COUNTY OWNED MINERAL RIGHTS"**

BE IT ENACTED by the St. Lawrence County Board of Legislators as follows:

A local law, pursuant to Section 24 of the Municipal Home Rule Law, authorizing the County of St. Lawrence, notwithstanding any contrary provision of Section 215 of the County Law of the State of New York, to enter into: (1) a lease agreement of up to forty (40) years, consisting of an initial term of twenty-five (25) years and renewals thereafter for five (5) additional years, for up to fifteen (15) additional years, during which time the lessor would have the right to explore, extract and otherwise develop the mineral rights the County owns on fifty-six (56) of ninety-three (93) parcels located in the Town of Edwards, Town of Clare, Town of Fine, Town of Fowler, Town of Pitcairn, Town of Hammond, Town of Macomb, Town of Rossie, and Town of

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Gouverneur which are recorded in the St. Lawrence County Clerk's Office (collectively, the "Parcels"); and (2) an option agreement of up to 25 years, consisting of an initial term of 5 years and renewals thereafter for one (1) additional year, for up to twenty (20) additional years, during which time the lessor could explore for the presence of minerals on the balance of the Parcels and would have the option to enter with the County into similar lease agreements to further explore, extract and otherwise develop the mineral rights on some or all of those Parcels.

Section 1. Purpose

The County of St. Lawrence desires to enter into the aforesaid agreements with Empire State Mines, LLC.

Section 2. Legal Authority

New York State County Law Section 215(4) provides that a county may lease a property it owns for a term not to exceed five years. However, pursuant to County Law Section 2(b), a county may enter into lease agreements for terms greater than five years if the county authorizes such lease agreements by local law. New York State Municipal Home Rule Law Section 24 provides that any local law that changes a provision of law relating to leasing of real property is subject to referendum on petition (permissive referendum).

Section 3. Applicability

The County of St. Lawrence is authorized, notwithstanding New York State County Law Section 215(4), which is hereby superseded, to enter with Empire State Mines, LLC into the aforesaid lease agreements, for durations of up to forty (40) years.

Section 4. Effective Date

Notice of the adoption of this local law subject to permissive referendum shall be published in the official newspaper of the County. This local law shall take effect at the end of the permissive referendum period upon filing in the Office of the Secretary of State, and if a permissive referendum is held, upon approval at the permissive referendum upon filing in the Office of the Secretary of State.

STATE OF NEW YORK)
) ss:
COUNTY OF ST. LAWRENCE)

I, Kiersten Larrabee, Deputy Clerk of the St. Lawrence County Board of Legislators, **DO HEREBY CERTIFY** that I have compared this Resolution No. 125-2025 Entitled "Setting a Date for a Public Hearing on Proposed Local Law E (No. __) for the Year 2025, "A Local Law Superseding County Law Section 215 to Extend a Lease to Empire State Mines, LLC. for Exploration and Development of County Owned Mineral Rights"", adopted April 7, 2025, with the original record in this office and that the same is a correct transcript thereof and of the whole of said original record.

Kiersten Larrabee
Kiersten Larrabee, Deputy Clerk
St. Lawrence County Board of Legislators
April 8, 2025