

MINUTES OF THE TOWN BOARD OF THE TOWN OF FORT EDWARD SPECIAL MEETING HELD ON TUESDAY, JUNE 22, 2021 AT TOWN HALL COMMENCING AT 7:00 P.M.

Supervisor Losaw called the meeting to order at 7:00pm

Pledge of Allegiance

PRESENT: Supervisor Losaw
Councilman Middleton
Councilman Fisher
Councilwoman Mullen

ABSENT: Councilman Mercier

OTHERS PRESENT: Colleen LaPan, Peter Ives, Brian Brockway, Donna Brockway and Town Clerk Aimee Mahoney

BUSINESS:

Supervisor Losaw: We did the approval of the proposal from Emminger, Newton, Pigeon & Magyar last meeting for the appraisal at the solar farms at the south end of town. We approved it but we didn't say which one, there are two proposals, actually three. Roseanne's suggestion and mine too would be to go with option 1 which is the \$12,000.00 one.

MOTION by Councilman Fisher, Seconded by Councilman Middleton to approve option 1 of the Emminger, Newton, Pigeon & Magyar quote for the appraisal of the CS Energy Solar Project at a price of \$12,000.00 **ALL AYES**

Brian Brockway: Their surveyors contacted me the other day to check road width and I gave them that information.

Supervisor Losaw: They also gave us the same thing for AC Power, the landfill solar. They also have two or three options and I think we would go with option 1 for \$5,000.00.

Councilman Middleton: Lester, have you talked with Roseanne?

Supervisor Losaw: No

Councilman Middleton: When I spoke with her briefly today she had questions on this one, it looks like we may have to pay for the appraisal.

Supervisor Losaw: We didn't ask them to but we should, I can ask them.

Councilman Middleton: The number I saw today isn't the number I remember, do you have an exact number of what they are talking about paying us?

Supervisor Losaw: It's going to be about \$50,000.00 per year.

Councilman Middleton: That's more like the number I heard but if you read the contract, it's 5MW but they are figuring only 1.5% output so it's about \$15,000.00 per year which was totally different than what they came and discussed with us. I hate to spend \$12,000.00 to make \$15,000.00. I think we should look at that and put this on hold.

Supervisor Losaw: Actually it's only \$5,000.00 for them.

Councilman Middleton: The other thing and you should talk to Roseanne. It will put it back on the tax roll which would mean we would have to pay taxes on it. Quite honestly if we are only going to get \$15,000.00 it is going to cost us money.

Aimee Mahoney: Yes because you are not paying taxes on it right now because it's wholly exempt.

Supervisor Losaw: It will still be wholly exempt right, except for the fire and sewer and whatever else?

Councilman Middleton: Not according to Roseanne, that's why I think we should put this on hold and maybe our Attorney and Roseanne can look at that again.

Aimee Mahoney: What about the host package?

Councilman Middleton: They said no host package.

Aimee Mahoney: They said no host package because we had opted out.

Supervisor Losaw: I didn't see that proposal where there was a host package.

Aimee Mahoney: They didn't propose one.

Supervisor Losaw: I didn't think they would anyway seeing as they are going to lease the property.

Councilman Middleton: It was a lot more than \$15,000.00 when they were here talking.

Aimee Mahoney: It was around \$35,000.00, according to the lease it shows 1.5% of whatever is on the nameplate. It's not actually 5MW that it's putting out and the rent payment will increase or decrease accordingly and the landlord is responsible for the taxes on the land and the tenant only pays the improvements so you might end up paying taxes where you aren't paying any now; I don't know if \$15,000.00 a year will cover that.

Councilwoman Mullen: Did we opt back in?

Aimee Mahoney: You have a public hearing on that set for the July meeting. You were not opted in when this lease was done.

Councilwoman Mullen: So up north will not have the host package but the one down south will?

Aimee Mahoney: You can ask for a host package, Roseanne suggested \$50,000.00 for the first 2 years.

Supervisor Losaw: That seems pretty steep; we can ask them if that is the pleasure of the board. I was thinking we were getting \$50,000.00 per year.

Councilman Middleton: Yes if we get that, I still look at it like its town owned property like the water tower and they are just leasing a portion of it like we do with everyone else.

Aimee Mahoney: If you look up host packages for municipalities there is an entire section on solar on landfills.

MOTION by Councilman Middleton, Seconded by Councilwoman Mullen to table the AC Power 9, LLC appraisal until further review **ALL AYES**

Supervisor Losaw: Next we have Resolution Number 20 which is the serial bond resolution to finance the plow truck.

RESOLUTION NO.: 20 OF 2021
INTRODUCED BY: Councilman Middleton
SECONDED BY: Councilman Fisher
DATED: JUNE 22, 2021

**RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$240,000
SERIAL BONDS OF THE TOWN OF FORT EDWARD TO PAY THE COST
OF ACQUISITION OF A NEW INTERNATIONAL HIGHWAY PLOW TRUCK; AND
AUTHORIZING THE ISSUANCE OF UP TO \$240,000 BOND ANTICIPATION
NOTES OF THE TOWN FOR THE SAME PURPOSE**

WHEREAS, the Town Board wishes to purchase a new plow truck for use by the Highway Department;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF FORT EDWARD, WARREN COUNTY, NEW YORK, AS FOLLOWS:

Section 1. The specific object or purpose for which the obligations authorized by this Resolution (the "Bond Resolution") are to be issued is the acquisition of a new 2021 International Highway Plow Truck (model HX620 Cab/Chassis with Everetts Plow Equipment/Body Package), including related preliminary and incidental costs (the "Project"), and such specific object or purpose is hereby authorized at a maximum estimated cost of Two Hundred Forty Thousand and 00/100 Dollars (\$240,000.00).

Section 2. The plan for the financing of such maximum estimated cost is issuance of up to \$240,000 serial bonds and/or bond anticipation notes of said Town, hereby authorized to be issued pursuant to the Local Finance Law.

The proceeds of the bonds or bond anticipation notes may be used to reimburse expenditures paid by the Town from other funds or otherwise on or after the date of adoption of this Bond Resolution. Pursuant to Local Finance Law Section 107.00(d)(9), no down payment from current funds is required.

Section 3. The Town Board anticipates that the Town may pay certain capital expenditures in connection with the Project prior to the receipt of the proceeds of the Bonds. The Town Board hereby declares its official intent to use Bond proceeds to reimburse the Town for such Project expenditures occurring within sixty (60) days prior to adoption of this Resolution. This section of the Resolution is adopted solely for the purpose of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations and does not bind the Town to make any expenditure, incur any indebtedness or proceed with the acquisition of the Project.

Section 4. It is hereby determined that the period of probable usefulness of the specific object or purpose is fifteen (15) years, pursuant to Section 11.00(a)(28) of the New York Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will not exceed five (5) years.

Section 5. The faith and credit of the Town of Fort Edward, Washington County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as they become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such years. There shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such obligations as they become due and payable.

Section 6. For the purpose of paying the cost of the Project, there are hereby authorized to be issued serial bonds of the Town up to a maximum amount of \$240,000 the maximum maturity of which shall not exceed the fifteen (15) year period of probable usefulness set forth above (which is further limited by the five (5) year limitation detailed in Section 4 above) and which shall mature on or before such date as measured from the date of the bonds or from the date of the first bond anticipation note issued in anticipation of the sale of such bonds, whichever date is earlier. The bonds may be issued in the form of a statutory installment bond.

Section 7. There are hereby authorized to be issued bond anticipation notes for the specific object or purpose in an amount up to but not exceeding the \$240,000 maximum amount of serial bonds authorized to be issued, in anticipation of the issuance and sale of the serial bonds authorized, including renewals of such bond anticipation notes.

Section 8. Any bond anticipation notes shall be payable from the proceeds derived from the sale of the bonds or otherwise redeemed in the manner provided by Section 23.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the bond anticipation notes and the interest on them.

Section 9. There are no bond anticipation notes outstanding which have been previously issued in anticipation of the sale of these bonds. Neither are the bond anticipation notes hereby authorized renewal notes. These bond anticipation notes will not be issued in anticipation of bonds for an assessable improvement. These notes shall mature at such time as the Town may determine and may be renewed from time to time, provided that in no event shall such notes or renewals extend more than one (1) year beyond the original date of issue except as permitted in the Local Finance Law.

Section 10. Subject to the terms and conditions of this Resolution and of the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, of the Local Finance Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this Resolution and the renewal of these notes, and the power to prescribe the terms, form and contents of the serial bonds and bond anticipation notes and the power to sell and deliver the serial bonds and bond anticipation notes issued in anticipation of the issuance of the bonds is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds and bond anticipation notes issued in anticipation of the issuance of the serial bonds and bond anticipation notes issued pursuant to this Resolution by manual or facsimile signature, and the Town Clerk is hereby authorized to affix or impress or imprint a facsimile of the seal of the Town to any of the serial bonds or bond anticipation notes and to attest such seal by manual or facsimile signature. If executed by facsimile signature, such obligation shall be authenticated by the manual countersignature of the Town Supervisor or a designated fiscal agent. The Town Supervisor, as Chief Fiscal Officer of the Town, is authorized to execute and deliver any documents and to take such other action as may be necessary and proper to carry out the intent of the provisions of this Resolution.

Section 11. The exact date of issuance of the bonds and/or notes and the exact date upon which they shall become due and payable shall be fixed and determined by the Chief Fiscal Officer, provided, however, that the maturity of the notes or renewals shall not exceed one (1) year from the date of issue except as permitted by the Local Finance Law.

Section 12. The Chief Fiscal Officer shall prepare the bonds and/or notes and sell them at public or private sale and in accordance with the provisions of the Local Finance Law including, but not limited to, the provisions of Section 169.00, if applicable, and at such sale shall determine the interest rate to be borne by such bonds and/or notes, and whether fixed or variable. The Town Board authorizes the Chief Fiscal Officer to establish substantially level annual debt service or a declining annual balance for the repayment of such Bonds if he believes it is in the best interests of the Town.

The Town Board authorizes the Chief Fiscal Officer to issue such serial bonds in the form a statutory installment bond.

Section 13. If issued, the bonds and/or notes shall be in registered form, and shall bear interest at the determined rate.

Section 14. The Chief Fiscal Officer shall deliver the bonds and/or notes to the purchaser only against a certified check or other immediately available funds. The proceeds of the sale of the bonds and/or notes shall be deposited and/or invested as required by Section 165.00 of the Local Finance Law, and the power to invest the proceeds of sale is hereby delegated to the Chief Fiscal Officer and the power to invest in any instruments described in Section 165.00 is expressly granted.

Section 15. To the extent that it is permitted to do so under the Internal Revenue Code of 1986, as amended to the date hereof (the "Code"), the Town hereby designates the bonds and/or notes as "qualified tax-exempt obligations" under Section 265(b)(3) of the Code. The Town hereby covenants that, to the extent permitted under the Code in effect as of the date of issuance of any bonds and/or notes, it will (i) take all actions on its part necessary to cause interest on the bonds and/or notes to be excluded from gross income for purposes of Federal income taxes and (ii) refrain from taking any action which would cause interest on the bonds and/or notes to be included in gross income for purposes of Federal income taxes.

Section 16. This Resolution is not subject to permissive referendum pursuant to Article 7 of New York Town Law or Section 35.00 of New York Local Finance Law.

Section 17. Miller, Mannix, Schachner & Hafner, LLC, Glens Falls, New York, is hereby designated bond counsel.

Section 18. The validity of these serial bonds and bond anticipation notes may be contested only if:

- (1) These obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the State Constitution.

Section 19. This Resolution or a summary thereof shall be published in *The Post Star*, which has been designated as the official newspaper of the Town, together

with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 20. This Resolution shall take effect immediately.

Section 21. The question of the adoption of this Resolution was duly put to a vote on roll call which resulted as follows:

AYES: _____4_____ NAYS: _____0_____ ABSENT: _____1_____

ROLL CALL

AYES: 4

NAYS: 0

ABSENT: 1

The Resolution was declared duly adopted by a vote of not less than two-thirds (2/3) of the full membership of the Town Board.

Peter Ives: Who are you going to get the bond through?

Supervisor Losaw: I don't know, Miller Mannix will get the bond from somebody. It just says we are giving the authority to borrow.

Councilman Middleton: What it should be is Miller Mannix should come back with 4 or 5 choices.

Aimee Mahoney: Bob Hafner contacted me on that bond and said I had all the information on it.

Supervisor Losaw: He said you do?

Aimee Mahoney: No, he said you told him that I had all the information and could help him and I was totally blindsided and felt really stupid and Brian was there so I asked Brian if he had any information on the truck and Bob was very confused as well that he was dealing with me on a bond and not the Supervisor seeing as he usually deals with Supervisors on bonds.

Supervisor Losaw: I told him any information that he needed you would have because Brian would be getting it to you.

Aimee Mahoney: I don't even know what that truck looks like Lester.

Supervisor Losaw: No I don't either.

Aimee Mahoney: That would be something you would have to take the initiative to get from Brian to give to the Attorney.

Supervisor Losaw: Brian where is the paperwork you got from Delurey?

Brian Brockway: We don't have any paperwork because we haven't taken ownership of it yet but I did give you the information about how much the bond should be. The truck was \$237,000.00, he said don't bond \$237,000.00 because if it's \$237,200.00 then you have to start the process all over again. He said to write the bond for \$240,000.00 and when you get the money you can reduce it to the \$237,000.00 but you cannot go back up without going back out to the public. I gave him that, the VIN number of the truck, the year and the model and I haven't heard anything since.

Supervisor Losaw: I think that's all they need for this resolution. This is just authorizing the issuance of up to a \$240,000.00 bond for the plow truck.

Aimee Mahoney: Once this is approved what do we have to do with it? Do you know?

Supervisor Losaw: Let Miller Mannix know that you've done it and when we adopted it.

Aimee Mahoney: That's it?

Supervisor Losaw: Yes

Aimee Mahoney: We don't have to post it for 20 days before we can go any further?

Supervisor Losaw: I see in the instructions here the summary and estoppel notice has to be published.

Brian Brockway: I think it's a good idea that maybe you call Miller, Mannix and find out what's going on before this truck is done and we don't have any funds to pay for it.

Aimee Mahoney: It has to be published for 20 days I've got it all taken care of. Lester you have been asked to resign by many, many people and I don't think your heart is in this, as a taxpayer and as Town Clerk. Do you have any reason why you are not resigning? Can you give me a valid reason? You have been asked by people in your own party, the employees here see it, and the board sees it. Correct me if I'm wrong.

Supervisor Losaw: See what?

Aimee Mahoney: That you have no interest, you have no drive, and you don't even know what's going on. You didn't even know that AC Power had been through Planning Board. I just feel it's one thing after another and you are just not in it, I don't know but it's a pretty scary situation.

Supervisor Losaw: Let's get through this meeting.

Aimee Mahoney: Sure

Councilman Fisher: Like Terry and Pete said they will probably get three or four different banks with different percentages and we will obviously go with the lowest one. Last time we didn't go through Glens Falls National because they didn't even come close. It would be nice to give them business.

Supervisor Losaw: We also have correspondence in here from Canal Corp. for your information.

Supervisor Losaw: We also have a resignation from Ryan Carpenter and a resignation from Dick Mercier and we need to accept those.

MOTION by Councilman Middleton, Seconded by Councilman Fisher to accept the resignation of Ryan Carpenter as Pool Director and Richard Mercier as Town Councilman effective immediately **ALL AYES**

Brian Brockway: What are we going to do with the pool now, we have no lifeguards, we have no administrator and we have a serious leak?

Supervisor Losaw: Before we talk about that do we want to appoint Kim Collier to the Board?

MOTION by Councilman Middleton, Seconded by Councilman Fisher to appoint Kim Collier to the Town Board to fill the vacancy left by the resignation of Richard Mercier **ALL AYES**

Councilman Middleton: I went and talked to Dick and he said he regretfully resigns because of his and his wife's health he can't go it anymore.

Supervisor Losaw: He hasn't been here since November.

Colleen LaPan: Is there anything in the bylaws that says if you miss so many meetings you are off the board?

Peter Ives: No, he has to do something once a year right?

Supervisor Losaw: I think it's a State Law that you have to work one day.

Pool

Councilman Middleton: I spoke with Mike Gray and he thinks he can get us lifeguards and someone to run it but we would have to pay to have the lifeguards certified because it's so late so we are looking at \$400.00 per lifeguard.

Councilman Fisher: The big thing is the leak.

Councilman Middleton: The leak is going to cost us more money.

Brian Brockway: How long is the village going to put up with you filling it every day?

Supervisor Losaw: How long did it take to leak out?

Brian Brockway: A day, day and a half, my opinion is that you close this year and take this year's budget and add to it and get someone in there to fix it properly and quit cobbing it.

Peter Ives: Do you know how much Perkins said it would cost? \$100,000.00

Councilman Fisher: That's not surprising, people are putting pools in backyards now that are \$35,000.00.

Peter Ives: What did Hudson Falls do?

Councilman Middleton: They gave it to the school. I talked to I believe K&K Pools and they said they would come and give us a quote. He said what they would do is put a coating on it; I don't know if it's an inch or ½ inch but recoat the whole pool and stop all the leaks.

Brian Brockway: At that time we should find out if we should be leaving the water in it or if we should be draining it. I think draining it is creating a lot of your problems, that concrete freezes and thaws every year and it's not made to do that.

Councilman Fisher: Also the age of the pool is a big factor; there is a life to those pools they do not last forever. What about this money we have coming in? Can that be used for that?

Supervisor Losaw: That would be a hard sell maybe.

Councilman Middleton: What about money from a host community package from the solar if we can still get one, if we earmark it for that.

Supervisor Losaw: That can be put in the capital fund and use it however we want to use it and it won't affect the tax cap.

Peter Ives: Janelle was telling me today that you have to claim that money by July 9th.

Supervisor Losaw: You have to apply for it by then.

Peter Ives: She was filling out a whole bunch of papers I know that.

Supervisor Losaw: Was she really? I haven't looked at the paperwork.

Donna Brockway: Maybe you should; July 9th is only around the corner.

Supervisor Losaw: I just got the notice last week.

Donna Brockway: If you got the notice last week, read it. Do it. You can't keep putting this stuff off. Things are expiring and getting past the dates and not getting done. As a taxpayer, I don't know I think you need to start getting on the ball.

Supervisor Losaw: The deadline to spend it is 2024.

Aimee Mahoney: Brian did you put up the no swimming signs at Bradley Beach yet in case of people swimming in the river?

Brian Brockway: Not yet I was waiting to see if the pool was going to open but I will now.

Councilman Middleton: Should we put it out to bid?

Supervisor Losaw: Do we need to go through CT Male to draw that up?

Councilman Fisher: Perkins could probably give us an idea to write a spec.

Colleen LaPan: It's a little late talking about this; this should have been discussed maybe in March.

Supervisor Losaw: We didn't know we didn't have lifeguards in March.

Colleen LaPan: We weren't looking for them were we?

Supervisor Losaw: Everybody was coming back as far as we knew until 2 weeks ago according to Ryan. I can call Perkins tomorrow and see if he can draw up some specs of what needs to be done.

Brian Brockway: Ask about the life expectancy on the filters too seeing as they have been there probably 20 years.

Councilman Middleton: Until we get a number I don't think we can make a decision to go forward or not.

Brian Brockway: Somebody else can handle the fence at Carpenter's because I am done with it. Doris came over complaining yesterday and wants the fence moved and this and that and I'm done with it. It is not a highway issue, I think it's wrong that the taxpayers are buying them a second fence and I want a resolution that says that the highway department is not responsible for maintaining their side of the fence. Nobody paints my fence from the town. Chuck told her she would have to wait until Brian got back and she accused Chuck of ridiculing her. She said she would take it up with the Supervisor and as far as I'm concerned it's yours I'm done with it. It has nothing to do with the highway garage or the highway department. I'm tired of her bullying us.

Councilman Fisher: You took the fence down so what is she complaining about now?

Brian Brockway: She wants it moved back 2 feet. Tell her to get it surveyed if she wants it moved. I think we have spent enough money as a taxpayer of Fort Edward.

Councilman Fisher: It's pretty close to the town barn right now, if she wants it moved then we just won't put it up. Pull the poles and leave it open.

Brian Brockway: The fence and the posts are over at the garage, we were going to attempt to put it up but I'm not now; it's private property I'm not going on that. I'm not allowed to work on private property by the red superintendent's book and I'm not going to do it.

Councilman Fisher: I'm waiting for Brian McCarty to get back to me with a price to put it up. I will call him after the meeting. We are doing this as a favor so if she says we have to move it then no fence.

Brian Brockway: Today was one of our safety days at the county for all the guys, we have to go back tomorrow too but Deb Donohue from the county gave me a piece of paper to have all of our guys sign that they can do an inquiry for drug and alcohol on their licenses. All the guys had no problem making the forms out but I think it should be documented somewhere. We randomly do drug screenings but they can pull their license to see if they have a DWI and haven't reported it. We don't have that program and the county has offered this one for free.

Councilman Mullen: Do we have anyone to negotiate the host package for the solar?

Supervisor Losaw: Terry & I will do that.

Councilwoman Mullen: Wouldn't you want Roseanne in on that too?

Supervisor Losaw: Yes

Councilman Middleton: We should see if they can meet sometime next week or the week after. Just a reminder CS Energy will be at the Firehouse tomorrow night at 6pm.

Supervisor Losaw: I had a meeting this afternoon just before I came here with the Champlain Express. They have all their negotiating done and they are going to have a public hearing on July 8th and it will be for all of the towns involved. As soon as I get that connection we can have somebody here to have a livestream. I'll send you what they are proposing for the public hearing.

Councilwoman Mullen: Did you find out anymore on the Sutler site?

Supervisor Losaw: I have not, the last time I talked to Bill Nikas's office they said they were sending the stuff over to Mark Schachner and Mark has not seen it.

Councilwoman Mullen: I was told that you had received a certified letter.

Supervisor Losaw: No, no I haven't. I don't remember seeing it.

Councilwoman Mullen: You don't remember receiving a certified letter?

Supervisor Losaw: I don't remember but then there is a lot of things I don't remember but if I do its upstairs somewhere.

Councilwoman Mullen: I find that very upsetting, going back to what Aimee brought up; you don't remember getting a certified letter.

Supervisor Losaw: I don't remember what I had for breakfast this morning.

Aimee Mahoney: Would that letter make the town the owner of that property? Is that what Ed said at the meeting?

Councilwoman Mullen: Yes from what I understand David Starbuck intended for that Sutler Site to go to Rogers Island but he never signed the will so it is supposed to come to the town. I am finding it very upsetting that the town may be looking at owning this property and you don't remember.

Supervisor Losaw: I am drawing a blank.

ADJOURNMENT:

MOTION by Councilman Middleton, Seconded by Councilman Fisher to adjourn the meeting at 7:42pm **ALL AYES**

Dated: June 24, 2021

Aimee Mahoney, Town Clerk

