

**MINUTES OF THE TOWN BOARD OF THE TOWN OF FORT EDWARD PUBLIC HEARING & REGULAR MEETING HELD ON MONDAY, JULY 12, 2021 AT TOWN HALL COMMENCING AT 6:55 P.M.**

Deputy Supervisor Tim Fisher opened the public hearing at 6:55pm

Pledge of Allegiance

**PRESENT:** Deputy Supervisor Tim Fisher  
Councilman Middleton  
Councilwoman Mullen  
Councilwoman Collier

**OTHERS PRESENT:** Colleen LaPan, Steve Davie, Elizabeth O’Leary, Katie DeGroot, Peter Ives, Brian Brockway, Donna Brockway and Town Clerk Aimee Mahoney

The following notice was published in The Post Star on July 2, 2021:

**PLEASE TAKE NOTICE**, the Town Board of the Town of Fort Edward will hold a public hearing on Monday, July 12<sup>th</sup> at Town Hall 118 Broadway, Fort Edward, NY 12828 at 6:55 p.m. for the purpose of hearing comments regarding the consideration of the proposed Local Law amending town code to exclude solar energy systems from town opt out from real property exemption.

At the Public Hearing anyone who wishes to comment will be heard.

**Katie DeGroot:** Can you explain it?

**Dep. Supervisor Fisher:** It is essentially because we have these solar projects coming in now so we are amending Local Law #1.

**Katie DeGroot:** Are you saying that you were going to opt out of systems and now you are going to accept them and tax them? Is that basically what it is?

**Dep. Supervisor Fisher:** Yes, essentially.

**MOTION** by Councilman Middleton, Seconded by Councilman Mullen to close the public hearing at 6:57pm **ALL AYES**

Dep. Supervisor Tim Fisher called the regular meeting to order at 7:00pm

**Dep. Supervisor Tim Fisher:** We received a resignation letter from Supervisor Lester Losaw on Sunday, July 11, 2021 effective immediately.

**MOTION** by Councilman Middleton, Seconded by Councilwoman Mullen to accept the resignation of Supervisor Lester Losaw effective immediately **ALL AYES**

**MOTION** by Councilman Middleton, Seconded by Councilwoman Collier to appoint Dep. Supervisor Tim Fisher as Town Supervisor **VOTE: Councilman Middleton – AYE  
Councilwoman Collier – AYE  
Councilwoman Mullen – AYE  
Dep. Supervisor Fisher – ABSTAIN**

**Councilman Middleton:** Congratulations Mr. Supervisor.

**Supervisor Fisher:** Now that I am the Supervisor I would like to appoint Terry as the Deputy Supervisor.

**MOTION** by Councilwoman Mullen, Seconded by Councilwoman Collier to appoint Councilman Middleton Deputy Supervisor **VOTE: Councilman Middleton – ABSTAIN  
Councilwoman Collier – AYE  
Councilwoman Mullen – AYE  
Supervisor Fisher – AYE**

**APPROVAL OF MINUTES: MOTION** by Councilman Middleton, Seconded by Councilwoman Mullen to approve the minutes of the regular meeting & public hearing of June 14, 2021, special meeting of June 22, 2021 and special meeting of July 6, 2021 **ALL AYES**

**APPROVAL OF REPORTS: MOTION** by Councilwoman Collier, Seconded by Councilwoman Mullen to approve the following reports: Town Clerk Monthly, Town Justice, Building Inspector and Supervisor and as submitted **ALL AYES**

**APPROVAL OF BILLS: MOTION** by Councilman Middleton, Seconded by Councilwoman Collier to approve Abstract #7 in the amount of \$26,489.40 **ALL AYES**

**ABSTRACT #7**

<b>GENERAL A – 10031-10037, 10045-10065</b>	<b>\$14,409.67</b>
<b>GENERAL B – 10066</b>	<b>\$ 21.00</b>
<b>HIGHWAY – 10067-10078</b>	<b>\$ 6,072.87</b>
<b>MUNICIPAL – 10079-10083</b>	<b>\$ 2,626.26</b>
<b>SP. LIGHTING – 10038-10042</b>	<b>\$ 2,596.28</b>
<b>SP. WATER – 10043-10044, 10084-10087</b>	<b>\$ 719.07</b>
<b>SP. WATER 2 – 10088</b>	<b>\$ 44.25</b>

**TOTAL: \$26,489.40**

**BUSINESS:**

**Copier Quote  
Supervisor's Office**

**Supervisor Fisher:** We received a quote for a new copier for the Supervisor's office from National Business due to the old one no longer printing and parts no longer being available. The quote is for a monthly lease at a price of \$199.99/month which covers all service, parts, labor and toner.

**MOTION** by Councilwoman Mullen, Seconded by Councilwoman Collier to approve the quote from National Business for the copier for the Supervisor's office at a price not to exceed \$199.99/month **ALL AYES**

**AC Power 9, LLC  
Solar Lease  
Leavy Hollow Ln.**

**Supervisor Fisher:** We are still working on the AC Power solar project for the landfill. The Town Attorney is looking into it for different options. We believe a lease was signed already so he is looking into some unanswered questions. The Assessor had pointed out some stuff on the proposed lease that may need review but we don't know if it is too late or not.

**Colleen LaPan:** Has it already been signed?

**Supervisor Fisher:** We are not 100% sure, the Attorney is going to look into it and get back to us. We had a meeting with him today. The project has already been to the planning board and approved.

**Colleen LaPan:** It was brought up at the last meeting that it may not be feasible for us to go in with that contract am I correct?

**Supervisor Fisher:** We didn't like some of the terms and conditions on the lease so we are hoping that we can still negotiate. It may or may not be too late. We weren't waiting for the Attorney because he was never contacted by the Supervisor.

**RESOLUTIONS:**

**RESOLUTION NUMBER 21 OF 2021**

**MOTION BY COUNCILMAN MIDDLETON**

**SECONDED BY COUNCILWOMAN MULLEN**

**TITLE: RESOLUTION APPROVING (A) THE PAYMENT TERMS AND CONDITIONS OF A CERTAIN PILOT AGREEMENT TO BE ENTERED INTO BETWEEN COUNTIES OF WARREN AND WASHINGTON INDUSTRIAL DEVELOPMENT AGENCY AND CHPE LLC IN CONNECTION WITH THE CHPE LLC PROJECT AND (B) THE PAYMENT TERMS AND CONDITIONS OF CERTAIN HOST COMMUNITY BENEFIT AGREEMENTS TO BE ENTERED INTO BETWEEN COUNTIES OF WARREN AND WASHINGTON CIVIC DEVELOPMENT CORPORATION AND CHPE LLC IN CONNECTION WITH THE CHPE LLC PROJECT.**

BE IT ENACTED by the Town Board of the Town of Fort Edward, New York (the “Town Board”), as follows:

WHEREAS, pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended (the “Enabling Act”) and Chapter 862 of the 1971 Laws of New York, as amended, constituting Section 890-c of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”), the Board of Supervisors of Warren County and the Board of Supervisors of Washington County have heretofore appointed the Chairman and members of Counties of Warren and Washington Industrial Development Agency (the “Agency”) and have duly caused to be filed in the office of the Secretary of State of the State of New York the certificates required by Section 856 of the Act; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more “projects” (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, CHPE LLC, a New York State limited liability company (the “Company”), has submitted an application (the “Application”) to the Agency, a copy of which Application is on file at the office of the Agency, which Application requested that the Agency consider undertaking a project (the “Project”) for the benefit of Company, said Project consisting of the following: (A)(1) the acquisition of an interest in the Company’s interest in certain upland parcels of land and in the Company’s interim permit and easement issued or to be issued by the New York State Office of General Services (“OGS”) in relation to submerged State-owned land, such upland and submerged lands located in the Towns of Putnam, Dresden, Whitehall, Fort Ann, Hartford, Kingsbury and Fort Edward, and Villages of Whitehall, Fort Ann and Fort Edward, Washington County, New York (collectively, the “Land”), (2) the construction, installation and equipping on or under the Land of a fully-buried, up to 1,250-megawatt (“MW”) high-voltage direct current (“HVDC”) electric transmission line and related infrastructure (collectively, the “Improvements”) and (3) the acquisition and installation thereon and therein of certain related machinery and equipment, including but not limited to, two (2) five-inch diameter HVDC transmission cables (collectively, the “Equipment”) (the Land, the Improvements and the Equipment hereinafter collectively referred to as the “Project Facility”), all of the foregoing to be used and operated by the Company as a portion of an electric power transmission line from the U.S.-Canada border to New York City; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, in connection with the undertaking of the Project, the Company will execute and deliver (A) a certain payment in lieu of tax agreement (the “PILOT Agreement”) by and between the Agency and the Company, pursuant to which the Company will agree to pay certain payments in lieu of taxes with respect to the Project Facility, and (B) certain host community benefit agreements (collectively, the “Host Community Benefit Agreements,” and, individually, a “Host Community Benefit Agreement”) by and between the Counties of Warren and Washington Civic Development Corporation (the “CDC”) and the Company, pursuant to which the Company will agree to pay certain host community benefit payments to the CDC pursuant to each Host Community Benefit Agreement for the benefit of (1) the Town of Fort Edward (the “Town”) and the Towns of Putnam, Dresden, Whitehall, Fort Ann, Hartford, Kingsbury and Fort Edward, (2) Washington County, (3) the Putnam Central School District, the Whitehall Central School District, the Fort Ann Central School District, the Hudson Falls Central School District and the Fort Edward Central School District, and (4) the Villages of Whitehall, Fort Ann and Fort Edward; and

WHEREAS, the Agency desires that the Town of Fort Edward, through its Town Board, as one of the affected tax jurisdictions with respect to the Project Facility, adopt a resolution indicating whether the Town Board agrees to the terms of the (A) proposed PILOT Agreement, and (B) the proposed Host Community Benefit Agreements;

NOW, THEREFORE, BE IT RESOLVED by the Town Board, as follows:

Section 1. For the purpose of satisfying the requirements contained in the Agency’s Uniform Tax Exemption Policy (the “UTEP Policy”) and the Act, the Town Board hereby (1) acknowledges notification of any deviation from the Agency’s UTEP Policy, (2) waives any formal notice from the Agency of any deviation from the Agency’s UTEP Policy, (3) approves the payment terms to be contained in the PILOT Agreement, as substantially described in Schedule A attached, and (4) approves the payment terms to be contained in the Host Community Benefit Agreements, as substantially described in Schedule A attached.

Section 2. The Town Supervisor of the Town is hereby authorized, on behalf of the Town of Fort Edward, to execute and deliver a consent to the PILOT Agreement for the purpose of evidencing its approval to the proposed payment terms of the PILOT Agreement, said PILOT Agreement to contain the terms described in Schedule A attached, with such changes, variations, omissions and insertions as the Town Supervisor of the Town shall approve, the execution thereof by the Town Supervisor of the Town to constitute conclusive evidence of such approval.

Section 3. The Town Supervisor of the Town is hereby further authorized, on behalf of the Town of Fort Edward, to execute and deliver a consent to the Host Community Benefit Agreement relating to the Town for the purpose of evidencing its approval to the proposed payment terms of the Host Community Benefit Agreement, said Host Community Benefit Agreement to contain the terms described in Schedule A attached, with such changes, variations, omissions and insertions as the Town Supervisor of the Town shall approve, the execution thereof by the Town Supervisor of the Town to constitute conclusive evidence of such approval.

Section 4. The officers, employees and agents of the Town of Fort Edward are hereby authorized and directed for and in the name and on behalf of the Town of Fort Edward to do all acts and things required or provided for by the applicable provisions of this Resolution in order to ensure compliance with such provisions as they relate to the execution and delivery of the PILOT Agreement and the Host Community Benefit Agreement, and to execute and deliver all such additional certificates, instruments and documents, and to do all such further acts and things as may be necessary or, in the

opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolution.

Section 5. This resolution shall take effect immediately.

The resolution was duly adopted by a vote on roll call: Councilman Middleton – AYE  
Councilwoman Mullen – AYE  
Councilwoman Collier – AYE  
Supervisor Fisher - AYE

Dated: July 12, 2021

**Katie DeGroot:** What is this?

**Supervisor Fisher:** This is a power line that is going to go from Canada to New York City.

**Katie DeGroot:** It's been proposed? It's on its way?

**Councilwoman Mullen:** It has been in the works for a few years.

**Supervisor Fisher:** For at least 10 years it has been in the works.

**Katie DeGroot:** Is there more information about where it is somewhere? A map or something?

**Aimee Mahoney:** The IDA website has the minutes of the public hearing that was just held last Thursday.

**Colleen LaPan:** Will you have revenue coming in that you are happy with?

**Supervisor Fisher:** Yes it's a good deal for Fort Edward.

**Colleen LaPan:** When should we start seeing that?

**Councilman Middleton:** I think within the next year.

**Katie DeGroot:** How does that money get used by the Town?

**Supervisor Fisher:** It goes into the general fund so it helps all of us.

**Katie DeGroot:** So it doesn't go to lower taxes, it goes to get stuff done?

**Supervisor Fisher:** It can keep taxes from going up; however you want to look at it. It will certainly make up for some of our losses.

**OTHER BUSINESS:**

**AC Power 9, LLC  
Appraisal**

**Supervisor Fisher:** We are doing an appraisal on the landfill solar project and the Assessor got them to agree to pay the \$5,000.00 appraisal fee so we are going to sign the agreement to have the appraisal done. We also need to notify the solar company that we are seeking a PILOT.

**MOTION** by Councilman Middleton, Seconded by Councilman Mullen to authorize Supervisor Fisher to contact AC Power 9, LLC before July 23, 2021 and let them know that we are seeking a PILOT for the project at the landfill on Leavy Hollow Ln. **ALL AYES**

**The public thanked Supervisor Fisher for taking on the role for the Town**

**Brian Brockway:** I received a phone call from a uniform company today and they are coming tomorrow to put a bid in to see if they are any lower than Unifirst. Also, the new truck is going to get the plow and body tomorrow and we would like to start contract negotiations seeing as we do not have a contract right now.

**Councilman Middleton and Councilwoman Collier have been named to the Highway Contract Committee**

**Elizabeth O’Leary:** What about the Sutler Site

**Supervisor Fisher:** The Attorney is looking into that as well, he had no idea about it. Aimee called Nikas’s office and was told Miller, Mannix had the paperwork but when we asked Mark he had no idea what we were talking about and said that former Supervisor Losaw did not discuss it with him or give him any direction regarding that.

**Colleen LaPan:** So today when you met the Attorney you sort of got some bearing on where you go from here.

**Supervisor Fisher:** Yes, and part of the problem is that if the Board wants him to review something we have to send it to him early, he was receiving things the night of the meeting from the former Supervisor and giving him very little time to review.

**Colleen LaPan:** The former Supervisor hasn’t been in since the last meeting in June correct and hasn’t done anything either?

**Supervisor Fisher:** That is correct.

**Colleen LaPan:** Have we gotten the stimulus forms done?

**Supervisor Fisher:** Yes, Aimee did that.

**Colleen LaPan:** Did you get somebody to look at the pool?

**Supervisor Fisher:** We did reach out to Perkins and he is going to try and put a spec together for us to go out to bid. From talking to people in that field it’s going to be pretty expensive, we are talking around \$100,000.00.

**Colleen LaPan:** Can the stimulus money go toward that?

**Councilman Middleton:** From what I have seen on Zoom meetings about it I did not see where we can use it for that but that is why we are talking about hiring a firm that specializes in this to guide us.

**Katie DeGroot:** I had heard that enrichment for kids was one of the ways you could spend the money.

**Supervisor Fisher:** That would be great, we are pretty sure that we are going to hire a firm because they say the paperwork is very detailed. We can pay this firm right out of the stimulus money.

**Elizabeth O'Leary:** Are municipalities prohibited to holding fundraisers?

**Councilman Middleton:** My personal opinion and I would very much like to see the pool redone but I think we need to narrow down what we looking at for cost first.

**ADJOURNMENT:**

**MOTION** by Councilman Middleton, Seconded by Councilwoman Mullen to adjourn the meeting at 7:30pm **ALL AYES**

Dated: July 14, 2021

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Aimee Mahoney, Town Clerk