

MINUTES OF THE TOWN OF FORT EDWARD TOWN BOARD MEETING HELD ON MONDAY, NOVEMBER 8, 2021 AT TOWN HALL COMMENCING AT 7:00 P.M.

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

Pledge of Allegiance

PRESENT: Supervisor Fisher
Councilwoman Collier
Councilman Middleton
Councilwoman Mullen

ABSENT: Councilman Suprenant

OTHERS PRESENT: Brian Brockway, Chuck Bump, Andrea DeBernardis, Katie DeGroot, Richard Belden, Steve Davie, Elizabeth O’Leary, Colleen LaPan, Roseanne Lemery and Town Clerk Aimee Mahoney

APPROVAL OF MINUTES: MOTION by Councilman Middleton, Seconded by Councilwoman Mullen to approve the minutes of the regular meeting and public hearing held on October 12, 2021 **ALL AYES**

APPROVAL OF REPORTS: MOTION by Councilwoman Mullen, Seconded by Councilwoman Collier to approve the reports of the Town Clerk, Town Justice, Building Inspector, Code Enforcement Officer/Zoning Officer and Dog Control Officer as submitted **ALL AYES**

APPROVAL OF BILLS: MOTION by Councilman Middleton, Seconded by Councilwoman Collier to approve Abstract #11 in the amount of \$284,181.61 **ALL AYES**

ABSTRACT #11

GENERAL A – 10289-10296, 10306-10327	\$ 16,010.08
GENERAL B – 10328-10329	\$ 668.50
HIGHWAY – 10330-10343	\$249,839.86
MUNICIPAL – 10297, 10344-10349	\$ 10,633.38
SP. LIGHTING – 10298-10302	\$ 3,446.06
SP. WATER – 10303-10304, 10350-10352	\$ 774.72
SP. WATER 2 – 10305	\$.26
C.S. ENERGY ESCROW - 1	\$ 2,808.75

TOTAL: \$284,181.61

BUSINESS:

**AC Power 9, LLC
Landfill Solar Project
Presenter: Andrea DeBernardis**

Andrea DeBernardis: I have been working on this project since 2019, we are a woman owned company based out of New York City and we specialize in landfill/brownfield sites. We have received our approvals from DEC and the Army Corp. of Engineers as well as our site plan approval from the Planning Board. The last real hurdle for our project has been the taxes. The tax model for solar projects has been in the works for a few months; before that we had assessment that was a risk to the project economics and through the new tax model we are really working with the Town to finalize a tax PILOT to move forward with construction. When we first signed the lease we were looking at a 3.75MW system; since then the panels and other equipment have increased in efficiency so we have almost doubled the system size and can do a full 5MW-ac project which is the limit for community solar projects in the state which is about 6.9MW-dc. The dc is what is generated by the panels and when they switch over to ac they lose some of that efficiency. This will be a community solar project so that residents in that area can subscribe to the project for a small discount on their electricity bill. We will have a subscription company that will manage that and work with residents to manage that whole process.

Councilman Middleton: Can we also as the Town sign on?

Andrea DeBernardis: Yes, you can have an anchor client up to 40% of the total system power and your different meters would be factors of that. This is a ballasted system so essentially they are cement tubs that the racking is cemented in and it sits on top of the cap so we are not disturbing the cap or having any issues with leeching. We use native vegetation when we re-grass what gets disturbed during construction. We want to be able to start construction in the spring. Supply chain issues is something I run into every single day right now so the sooner that we can figure out the PILOT and move our financing forward then we can get things ordered so we can hopefully have an operational project before next winter.

Supervisor Fisher: I believe we need to have this PILOT done by January 1st.

Andrea DeBernardis: Essentially for us to make our construction deadlines and interconnect and incentives we need to have construction wrapped up in the fall so the PILOT really needs to be wrapped up by the end of the year. I know there has been a lot of frustration about the tax model and we feel your pain.

Roseanne Lemery: There is some methodology for valuing income producing properties that is standard practice with appraisal companies. We had contracted with John Zirkowski's appraisal firm to create a value for us based on the information from AC Power and those are the numbers you were looking at when you felt it may be cost prohibitive for you based on what our rates are now. New York State decided that they had a better way of valuing these properties at the last minute so we are forced to use a model that NYS has developed which is good for the solar companies, not so good for the Town. To be fair though solar companies have taken a hit on incentives that were first offered and now are no longer allowed and we have taken a hit on the fact that we have to use a value that is about 1/3 of the lowest amount that the appraisal firm had originally come in at so we have to use the State's appraisal. We have done preliminary models with the numbers that we have today based on what the State has given us to use so we kind of know what the methodology is going to be; what we don't know is what the rate is going to be

per thousand and that is because we are in the middle of a revaluation. We don't have our total numbers for what our Town's assessment is going to be until close to the end of the year.

Andrea DeBernardis: Incentives were done on a rolling first come first serve basis. We pretty much lost about \$3 million along the way due to COVID and everything so we have been working with Roseanne in trying to figure this whole thing out. When we first started we were worried about the lease and trying to change that to make up for some of those losses but with the new tax model luckily we can still honor that. With the current tax rate and equalization rate we would be paying just under \$4,000.00 per year for the system. We are still proposing the lease rate of \$10,000/MWdc with 1.5% annual escalator and that is through the life of the project and the lease is 25 years with 2, 5 year options to extend so it could go for 35 years. We request a PILOT of \$1,100.00/MWac with a 2% escalator for the standard period of 15 years so combined the year 1 revenue would be just under \$75,000.00 and then \$1.2 million over the first 15 years and after that it is hard to predict because it would go back to regular taxes or an extended PILOT.

Supervisor Fisher: Terry and I have discussed it and wanted to bring it to the rest of the Board because we feel it's a good deal.

Councilman Middleton: It has been sitting up there for 15 years and we have been getting nothing off it and now with the revenue from this that could be a new truck/year for the Highway Dept.

Steve Davie: What is the life expectancy of the system?

Andrea DeBernardis: 35 years, they are getting more efficient so they could last longer but that is around the time when they start to lose production.

- We will send over the draft and our hope is that at your December meeting, if the Attorneys agree with it we can approve it.

**Approval of the 2022
Town Budget**

RESOLUTION NUMBER 27 OF 2021

MOTION BY COUNCILMAN MIDDLETON

SECONDED BY COUNCILWOMAN MULLEN

RESOLUTION TO ADOPT THE 2022 TOWN BUDGET

WHEREAS, the Town Board of the Town of Fort Edward held its public hearing on the 2022 Preliminary Budget on October 12, 2021, and

WHEREAS, there was limited public comment on the town budget.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Fort Edward hereby adopts the 2022 Town Budget in the amount of \$1,637,285.23

Dated: November 8, 2021

Roll Call Vote: Councilman Suprenant -	ABSENT
Councilman Middleton-	AYE
Councilwoman Mullen-	AYE
Councilwoman Collier-	AYE
Supervisor Fisher-	AYE

AYES: 4

NAYS : 0

ABSENT: 1

Essential Worker Stimulus

Supervisor Fisher: Through the CARE Act we received stimulus money and we decided as a Board to give \$500.00 to all of the employees which will be paid out the week of December 13, 2021.

MOTION by Councilman Middleton, Seconded by Councilwoman Mullen to approve the \$500.00 essential worker stimulus payment to all employees **ALL AYES**

PUBLIC COMMENT:

Katie DeGroot: I saw in the packet a notice about NYS allowing trailers, is that true?

Supervisor Fisher: Yes, I looked it up; in 2015 the Affordable Housing Act was put in place.

Katie DeGroot: Will a trailer have to go in front of the Zoning Board?

Supervisor Fisher: They did go to the Zoning Officer and his first thought was that it wasn't allowed but upon further review discovered that if they took us to court they would win. We still have that Code on our books because that may go away someday.

Roseanne Lemery: I don't think the State can override local zoning.

Councilman Middleton: When I was Supervisor I got a call and was threatened with a lawsuit.

Supervisor Fisher: We can look into it further but everyone I have talked to about it said we will lose money fighting it just to lose in the end.

Roseanne Lemery: A lot of Towns have mobile home ordinances.

Brian Brockway:

- Town of Jackson wants to purchase the plow truck for \$10,000.00 and I think that money should be earmarked in an equipment fund for the highway not put in the general fund.
- Only half of the holiday decorations came, the bows are back ordered and I feel we should wait until next year when we have everything before we put up just the pole wraps. We will put the holiday flags up after Veteran's Day.

Councilman Middleton: How are the salt prices? Is there a shortage?

Brian Brockway: It was right around \$68/ton, last year it was \$62/ton. I'm not sure about the fuel charge until we get our first load; the shed is full now so we shouldn't need any until the end of the year. We are still waiting to hear back on the sidewalk snow blower repair, I can drive it out to Connecticut if need be. Also the 3 year highway contract has been signed.

Katie DeGroot: What are all of the little pink plastic things all along the hedgerow on the south side of Cary Rd.?

Brian Brockway: The solar company is surveying.

Councilman Middleton: The solar company will be at the Planning Board meeting Wednesday night if you have questions about that.

Brian Brockway: I have received a few phone calls from residents south on Route 4 about their driveways. The State went back through and marked in 25' on all the intersections and I also spoke to them about Glen Hill and they said it was a tonnage job but if they had any extra they would cover up the stone from where we had the big washout.

MOTION by Councilman Middleton, Seconded by Councilwoman Collier to sell the 2002 International Plow Truck to the Town of Jackson for a total of \$10,000.00 **ALL AYES**

ADJOURNMENT:

MOTION by Councilwoman Collier, Seconded by Councilman Middleton to adjourn the meeting at 7:41pm **ALL AYES**

Dated: November 12, 2021

Aimee Mahoney, Town Clerk