

TOWN OF CANAJOHARIE
MONTGOMERY COUNTY

September 28, 2017

The Town Council met for a special monthly meeting at the Town Hall building, 12 Mitchell Street, Canajoharie, New York.

Present: Supervisor Peter Vroman; Councilpersons: William Armitstead, Councilman John Toomey, Councilman Rodney Young; Councilman John Peruzzi not present; Bookkeeper Amy Kretser; Highway Superintendent David Hodge;

- Also present Teresa Bakner from Whiteman, Osterman, & Hanna, LLP
- Also present Steven LeFevre from engineering firm Barton & Loguidice

The meeting was opened by the Supervisor at 7:30pm, and the evening's agenda was presented. On a **motion** by Councilman Armitstead, **seconded** by Councilman Toomey, the **agenda** was **unanimously approved**.

Public Comment- Teresa Bakner briefly explains the NYS Article 10 process [in regards to proposed Mohawk Solar project] and what her law firm would do as intervenors during the process. Whiteman & Osterman would make sure the local interests are addressed at the State level (ie: if issue arises with our local law, they would argue why our law should not be waived)

- this is the first solar project ever in NYS under Article 10
- when the PSS is filed, there is a request for intervenor funding; usually first phase has a total amount around \$30K, and second phase total amount around \$90K
- the intervenor(s) proposed what work/studies should be done, the Administrative Law Judge awards money, then the intervenor(s) have to prove the work has been completed
- Whiteman & Osterman focuses on the legal aspects of the Article 10 process

-Steven LeFevre explains that his firm predominantly assists municipalities, and focuses on the environmental and engineering aspects of the proposed project (ie: they can recommend studies be done if applicant does not do/or intend to do them, and apply to the ALJ for funding to have the studies done); His firm also looks at the short and long-term impacts of the project, and makes sure the solar company is proceeding as they say they are doing

-The Town of Minden has already agreed to both Whiteman & Osterman and Barton & Loguidice's intervenor assistance

- both Ms. Bakner and Mr. LeFevre state that the Town does not pay any upfront fees for their intervenor services
- any fees are paid through the intervenor funding, not the Town

-Ms. Bakner explains that if intervenor funding runs out, the firms will notify the Town as such and give two options 1. Hire the firms outright if the Town determines that all of the issues are not resolved, or 2. Accept where the process is at and continue without the intervenor(s) assistance

-The firms intend to apply on behalf of both the Town of Canajoharie and Town of Minden at the same time

RESOLUTION #20 OF 2017

RESOLUTION TO RETAIN WHITEMAN, OSTERMAN & HANNA LLP AS ATTORNEYS TO ASSIST THE TOWN / TOWN PLANNING BOARD IN CONNECTION WITH APPLICATION OF COMMUNITY ENERGY SOLAR FOR ITS SUBSIDIARY MOHAWK SOLAR PROJECT

WHEREAS, the purpose of intervenor funding is to allow municipalities and their consultants and attorneys to contribute to the development of a complete record leading to an informed decision by the New York State Public Service Commission, and to foster broad public participation; and

WHEREAS, Article 10 of the Public Service Law provides for Intervenor Funding to be provided by Article 10 applicants to be used to defray certain expenses by municipal parties; and

WHEREAS, it is the understanding of the Town Board that any legal services provided related to the Mohawk Solar Project would be fully covered by the intervenor funds awarded, at no cost to the Town of Canajoharie; and

WHEREAS, the Canajoharie Town Board has requested the services of Whiteman, Osterman & Hanna LLP, as attorneys to represent the Town of Canajoharie and the Town of Canajoharie Planning Board in connection with the application of Community Energy Solar for its Mohawk Solar Project, including the preparation of a Request for Intervenor Funds;

NOW THEREFORE, BE IT RESOLVED, that the Town retains the law firm of Whiteman, Osterman & Hanna LLP as intervenor, at no cost to be incurred by the Town, to represent the Town and Planning Board in connection with the application of Community Energy Solar for its Mohawk Solar Project, including preparation of a Request for Intervenor Funds, subject to the review and approval of a proposal/retainer agreement.

SPONSOR: Councilman William Armitstead

SECOND: Councilman John Toomey

<u>VOTING:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Supervisor Peter A. Vroman	X		
Councilman William Armitstead	X		
Councilman John Toomey	X		
Councilman Rodney Young	X		
Councilman John Peruzzi, Sr.			X

Laurie M. Vroman

Town Clerk

September 28, 2017

RESOLUTION 21 OF 2017

RESOLUTION TO RETAIN BARTON & LOGUIDICE TO ASSIST THE TOWN / TOWN PLANNING BOARD IN CONNECTION WITH APPLICATION OF COMMUNITY ENERGY SOLAR FOR ITS SUBSIDIARY MOHAWK SOLAR PROJECT

WHEREAS, the purpose of intervenor funding is to allow municipalities and their consultants and attorneys to contribute to the development of a complete record leading to an informed decision by the New York State Public Service Commission, and to foster broad public participation; and

WHEREAS, Article 10 of the Public Service Law provides for Intervenor Funding to be provided by Article 10 applicants to be used to defray certain expenses by municipal parties; and

WHEREAS, it is the understanding of the Town Board that any legal and/or engineering services provided related to the Mohawk Solar Project would be fully covered by the intervenor funds awarded, at no cost to the Town of Canajoharie; and

WHEREAS, the Town of Canajoharie Board has requested the services of Barton & Loguidice, as engineers to represent the Town and the Planning Board in connection with the application of Community Energy Solar for its Mohawk Solar Project, including the preparation of a Request for Intervenor Funds;

NOW THEREFORE, BE IT RESOLVED, that the Town retains the engineering firm of Barton & Loguidice to represent the Town and Planning Board, at no cost to be incurred by the Town, in connection with the application of Community Energy Solar for its Mohawk Solar Project, including preparation of a Request for Intervenor Funds, subject to the review and approval of a proposal/retainer agreement.

SPONSOR: Councilman William Armitstead

SECOND: Councilman John Toomey

<u>VOTING:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Supervisor Peter A. Vroman	X		
Councilman William Armitstead	X		
Councilman John Toomey	X		
Councilman Rodney Young	X		
Councilman John Peruzzi, Sr.			X

Laurie M. Vroman

Town Clerk

September 28, 2017

8:15pm- Budget Workshop commences

Highway Superintendent Hodge requests that the salary of the incoming superintendent stays the same current amount-\$39,243.00; Board discusses requests and agrees

Highway Superintendent Hodge informs the Board that the highway workers are not interested in the Family Leave Act

-General discussions among Board and Town Bookkeeper regarding salaries, highway contract, insurances, etc.

-Town Bookkeeper will take the tentative budget numbers proposed and calculate them with the State's website and inform the Board of her findings

Adjournment

On a **motion** by Councilman Toomey, **seconded** by Councilman Young, all in favor, ayes, the meeting was adjourned at 9:05PM.

Respectfully submitted,

Laurie M. Vroman, Town Clerk