

**MINUTES OF THE PILOT LAW PUBLIC HEARING & REGULAR MONTHLY MEETING
OF THE TOWN BOARD OF THE TOWN OF CANAJOHARIE
HELD OCTOBER 12, 2023 AT THE TOWN HALL COMMENCING AT 7:00 PM**

Present: Michael Muhlebeck, Deputy Town Supervisor & Councilman
Rodney Young, Councilman
William Armitstead, Councilman
John Peruzzi, Councilman

Recording Secretary: Erica Hayes, Town Clerk

Others Present: Charlene Ruszkowski, Sole Assessor
Amy Kretser, Town Bookkeeper
Steve Oare, Highway Superintendent
Les Hassan, Code Officer
Kylie Ferguson, Legal Assistant
Shawn Bowerman, Montgomery County Treasurer
Greg Elco, SunEast Power

Call to Order

The PILOT Law Public Hearing was called to order by Mr. Muhlebeck, at 7:05 PM, with the Pledge of Allegiance. No public comment was made during this time.

Solar Public Hearing Adjournment

On a motion by Mr. Peruzzi, seconded by Mr. Young, the PILOT Law Public Hearing was adjourned at 7:08PM. All in favor, ayes carried.

Call to Order

On a motion made by Mr. Peruzzi, seconded by Mr. Young, the regular monthly meeting was called to order by Mr. Muhlebeck, at 7:30 PM.

Accept the September 2023 Meeting Minutes

A motion was made by Mr. Peruzzi, seconded by Mr. Armitstead, that the minutes of the September 2023 meeting, as submitted by the Town Clerk, be approved. All in favor, ayes carried.

Recognition of Citizens Present

The Board recognized Kylie Ferguson with Dunn & Dunn, who presented the PILOT Law and Resolution:

RESOLUTION #16 of 2023

Resolution to Adopt the Town of Canajoharie Solar Energy System PILOT Law

Sponsor: William Armitstead, Councilman

Second: John Peruzzi, Sr., Councilman

WHEREAS, the Town of Canajoharie recently developed a policy to regulate solar energy systems within the Town; and,

WHEREAS, this Resolution is adopted under the authority granted by New York Real Property Tax Law ("RPTL") § 487(9); and

WHEREAS, RPTL § 487(2), provides, in relevant part, that real property which includes a Solar Energy System in accordance with the provisions of said section, shall be exempt from taxation to the extent of any increase in value thereof by reason of the inclusion of such Solar Energy System for a period of fifteen (15) years; and

WHEREAS, pursuant to RPTL § 487, which provides, in relevant part, that a municipality may by resolution provide that no exemption under this section of the law shall be applicable within its jurisdiction with respect to any Solar Energy System which began construction subsequent to January 1, 1991 or the effective date of such resolution, whichever is later; and

WHEREAS, pursuant to RPTL § 487, which provides, in relevant part, that a municipality which has not acted to remove the exemption under said section may require the Owner or developer of a property which includes a Solar Energy System meeting the requirements of RPTL § 487 to enter into a PILOT Agreement by notifying such Owner or developer of the school district's intent to require a PILOT Agreement, within sixty (60) days of receiving written notification from the Owner or Developer of the Owner's or developer's intent to construct a Solar Energy System.

WHEREAS, RPTL § 487 provides, in relevant part, that a taxing district may adopt a resolution setting forth the district's ongoing intent to require a PILOT Agreement for a Solar Energy System, and such resolution shall be considered notification to owners or developers and no further action is required on the part of the District.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby authorizes the Town to adopt a law setting forth the Town's ongoing intent to require a PILOT Agreement for Solar Energy Systems, as set forth in **Exhibit A** attached hereto; and

BE IT FURTHER RESOLVED, this Resolution shall be effective upon its filing with the Secretary of State and New York State Energy Research and Development Authority in accordance with the RPTL § 487 and shall apply to all Solar Energy Systems constructed within the jurisdiction of the Town of Canajoharie.

VOTING	AYES	NAYS	ABSENT
Benny Goldstein, Town Supervisor			X
Michael Muhlebeck, Councilman	X		
William Armitstead, Councilman	X		
John Peruzzi, Sr., Councilman	X		
Rodney Young, Councilman	X		

On a motion made by Mr. Peruzzi, seconded by Mr. Armitstead, the PILOT Solar Law has been adopted.

The Board also passed the following resolutions:

Resolution #17 of 2023

Resolution to Approve Emergency Purchase of Boiler System Using General Funds

Sponsor: John Peruzzi, Sr., Councilman
Second: William Armitstead, Councilman

WHEREAS, the Town of Canajoharie had an issue with the boiler in the Town Hall located at 12 Mitchell Street, Canajoharie, NY 13317 not producing heat on October 2, 2023; and,

WHEREAS, the Town of Canajoharie sought estimates from 3 companies to evaluate, diagnose and repair the issue; and,

WHEREAS, Michael Adair of A to Z Indoor Comfort was the only company capable of evaluating, diagnosing and repairing and indeed, was recommended by another heating company; and,

WHEREAS, Mr. Adair found that the parts that had caused the failure of the boiler were unavailable and had been discontinued; and,

WHEREAS, the seasonal weather and colder temperatures have caused this to become a “time is of the essence” issue for boiler replacement or suffer irreparable damage to pipes, and/or for the ability of employees to remain at work in the Town Hall; and,

WHEREAS, Mr. Adair has located a boiler system that is readily in stock and able to be shipped in quickly; and,

WHEREAS, the quote for replacement dated October 12, 2023 from Michael Adair of A to Z Indoor Comfort titled “Option 1” totals Thirty-Eight Thousand Four Hundred Sixty-Five and 00/100’s Dollars (\$38,465.00); and,

WHEREAS, the Town of Canajoharie lacks a separate fund for said emergency purchases;
and.

WHEREAS, surplus funds are available in the General Fund from which to pay the invoice;
and.

NOW THEREFORE, be it resolved by the Board of Trustees of the Town of Canajoharie
that as of the date of this Resolution:

The Town hereby approves the emergency purchase of the boiler system from A to Z
Indoor Comfort in the amount totaling Thirty-Eight Thousand Four Hundred Sixty-Five and
00/100's Dollars (\$38,465.00) to be paid from the General Fund.

VOTING	AYES	NAYS	ABSENT
Benny Goldstein, Town Supervisor			X
Michael Muhlebeck, Councilman	X		
William Armitstead, Councilman	X		
John Peruzzi, Sr., Councilman	X		
Rodney Young, Councilman	X		

Highway Department

Resolution #18 of 2023
Bond Resolution Acquisition of Highway Truck

Sponsor: John Peruzzi, Sr., Councilman
Second: William Armitstead, Councilman

BOND RESOLUTION DATED OCTOBER 12, 2023

A RESOLUTION AUTHORIZING THE ACQUISITION OF ONE (1) HIGHWAY TRUCK, AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$134,000 OF THE TOWN OF CANAJOHARIE, MONTGOMERY COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

BE IT RESOLVED, by the Town Board of the Town of Canajoharie, Montgomery County, New York (the "Town") (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the acquisition of one (1) highway truck and related equipment. The maximum cost of said purpose will not exceed \$264,938.

SECTION 2. The Town Board plans to finance the maximum estimated cost of said purpose as follows: (a) with moneys to be applied by the Town from the Truck Reserve Fund, and the Highway Equipment Expenditure Line in the aggregate amount of approximately \$130,938, and (b) by the issuance of serial bonds in an amount not to exceed \$134,000 of said Town, hereby authorized to be issued therefor pursuant to the Local Finance Law.

SECTION 3. It is hereby determined that the acquisition of one (1) highway truck and related equipment is an object or purpose described in subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen (15) years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will not be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 23.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the

capital purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 2 of this resolution. This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town hereby determines that the acquisition of one (1) highway truck and related equipment is a "Type II action" that will not have a significant effect on the environment; and therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) 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 days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 13. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in the official newspaper or newspapers of the Town.

SECTION 14. This resolution is not subject to permissive referendum pursuant to Section 35.00b.(1) of the Local Finance Law and shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

VOTING	AYES	NAYS	ABSENT
Benny Goldstein, Town Supervisor			X
Michael Muhlebeck, Councilman	X		
William Armitstead, Councilman	X		
John Peruzzi, Sr., Councilman	X		
Rodney Young, Councilman	X		

Deputy Town Supervisor

Vandalism has occurred at the new Town Garage jobsite. Mr. Muhlebeck will be ordering and installing cameras for the site.

Town Clerk

Mrs. Hayes reported that our permits have totaled 14 this quarter, bringing in \$810.00 in permit fees.

It has also been set that the next Budget Meeting is to be held on 10/24 @ 5:30PM

Town Bookkeeper

TOWN OF CANAJOHARIE-9/14/23
CASH REPORT
SEPTEMBER 30, 2023

CHECKING ACCOUNTS		MONEY MARKET ACCOUNTS	
General	\$ 17,396.36	General	\$233,232.44
Fire District	\$ 39.86	Highway Town Wide	\$318,993.44
Highway Town Wide	\$ 108,042.80	Highway PartTown	<u>\$297,015.83</u>
Highway Part Town	\$ 201,136.97	Total	\$849,241.71
Garage BAN	\$2,325,000.00		
Trust & Agency	<u>\$ 32,651.35 *</u>		
Total	\$2,684,267.34		

*\$31,859.96 Avangrid/Mohawk Solar Project Escrow

SAVINGS ACCOUNTS

Highway Cap Reserve	\$ 46,817.78
Gen-Cap Reserve-Garage	\$236,576.74
Gen-Cap Reserve-land	<u>\$ 15,623.93</u>
Total	\$299,018.45

TRANSFERS

From account	To Account	Amount
A1330.4 Tax Collection	A1410.4 Clerk Contractual	\$ 850.00
A9060.8 Emp Ben Health Ins	A1910.4 Unallocated Ins	\$ 853.15
DB1990.4 Contingency	DB5110.1 Gen Repairs Personal	\$1,632.00
DB1990.4 Contingency	DB9030.8 Emp Ben Soc Sec	\$ 63.27
DB1990.4 Contingency	DB9050.8 Emp Ben Unempl Ins	\$1,760.78
DA5140.1 Brush & Weeds Pers	DA9050.8 Emp Ben Unempl Ins	\$ 852.60
DA5140.1 Brush & Weeds Pers	DA9060.8 Emp Ben Health Ins	\$1,823.40
DA5142.1 Snow Removal Pers	DA9060.8 Emp Ben Health Ins	\$9,750.00
DA5148.1 Serv Oth Govt's Pers	DA9060.8 Emp Ben Health Ins	\$9,750.00

Authorization of Vouchers

The Town Clerk presented the following bill vouchers for approval:

General fund vouchers #308 through #337, totaling \$6,372.35.

Highway fund vouchers #98 through #106, totaling \$18,074.17.

On a motion by Mr. Young, seconded by Mr. Armitstead, the bill vouchers were unanimously approved for payment.

All in favor, ayes carried.

Adjournment

On a motion by Mr. Armitstead, seconded by Mr. Peruzzi, the meeting was adjourned at 9:06 PM. All in favor, ayes carried.

Respectfully submitted,
Erica Hayes, Town Clerk