

**MINUTES OF THE REGULAR MONTHLY MEETING  
OF THE TOWN BOARD OF THE TOWN OF CANAJOHARIE  
HELD DECEMBER 14, 2023 AT THE TOWN HALL COMMENCING AT 7:30 PM**

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

**Recording Secretary:** Erica Hayes, Town Clerk

**Others Present:** Amy Kretser, Town Bookkeeper  
Steve Oare, Highway Superintendent  
Les Hassan, Code Officer

**Call to Order**

The meeting was called to order by Mr. Vroman, at 7:30 PM, with the Pledge of Allegiance.

**Accept the November 2023 Meeting Minutes**

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

**Town Supervisor**

Mr. Vroman addressed the Board, notifying them that we graciously received monetary support from Arkell Hall to go toward the cost of the Town Hall's new boiler system.

The Board also was presented with the Host Community Agreement between the Town of Canajoharie and Mohawk Solar. The following resolution was passed:

**Resolution #21 of 2023**

**RESOLUTION APPROVING HOST COMMUNITY AGREEMENT AND PILOT MODIFICATION WITH  
RESPECT TO MOHAWK SOLAR PROJECT**

At a regular meeting of the Town Board of the Town of Canajoharie (the "Board") held on December 14, 2023;

The meeting was called to order by Pete Vroman, Town Supervisor, and upon roll being called, the following members were:

PRESENT: William Armitstead, Michael Muhlebeck, Rodney Young, John Peruzzi, Pete Vroman

ABSENT: N/A

OTHERS ALSO PRESENT: Les Hassan, Steve Oare, Erica Hayes, Amy Kretser

The following resolution was offered by Michael Muhlebeck, and seconded by John Peruzzi, Sr.:

WHEREAS, Mohawk Solar LLC (the "Company") is developing a 90.5 megawatt solar-powered electric generating facility to be located in the Town of Canajoharie and Town of Minden, Montgomery County, New York (the "Project"); and

WHEREAS, the Company entered into a straight-lease transaction (the “IDA Transaction”) with the Montgomery County Industrial Development Agency (the “Agency”) on or about December 20, 2019 with respect to the Project; and

WHEREAS, the IDA Transaction documents include a payment in lieu of taxes agreement (the “Original PILOT Agreement”) pursuant to which the Company is obligated to make payments in lieu of taxes to the Agency for the benefit of the County of Montgomery, Town of Canajoharie, Town of Minden, Canajoharie Central School District, and Fort Plain Central School District (collectively, the “Affected Tax Jurisdictions”); and

WHEREAS, at the time of entry into the IDA Transaction, the Company anticipated that the Project would be constructed and completed by November, 2021. Pursuant to the IDA Transaction documents, the Company was originally obligated to make payments pursuant to the Original PILOT Agreement (“PILOT Payments”). Pursuant to the Original PILOT Agreement the Company was originally required to make the First PILOT Payment (as defined in the Original PILOT Agreement) no later than January 1, 2023 (the “PILOT Start Date”); and

WHEREAS, General Municipal Law Section 858(15) requires that PILOT payments pursuant to the PILOT Agreement be allocated among the Affected Tax Jurisdictions in proportion to the amount of real property tax and other taxes which would have been received by each Affected Tax Jurisdiction had the Project not been tax exempt due to the status of the Agency (“Pro Rata Allocation”), unless otherwise agreed by the Affected Tax Jurisdictions; and

WHEREAS, the Agency has received a request from the Company (the “Request”), indicating that the PILOT Start Date and other obligations in the IDA Transaction documents were premised upon completing construction in November, 2021, however, due to supply chain constraints and other commercial challenges neither construction nor the commercial operation date of the Project have occurred; and

WHEREAS, by resolution adopted by the members of the Agency on September 21, 2023 (the “Agency Resolution”), the Agency approved the Request and authorized the execution and delivery of certain Modification Documents (as defined in the Agency Resolution), including an amended and restated payment in lieu of tax agreement (the “Amended and Restated PILOT Agreement,” and collectively with the Original PILOT Agreement, the “PILOT Agreement”) by and between the Agency and the Company, pursuant to which the Agency and the Company will amend, among other things, the payment terms of the PILOT Payments to accommodate a flexible construction timetable for the Project and alter the Pro Rata Allocation (the “PILOT Modification”); and

WHEREAS, in connection with the PILOT Modification, the Town of Canajoharie (the “Town”) has elected to waive its entitlement to a portion of the annual PILOT Payments and instead receive annual payments from the Project in the form of host community agreement payments (“HCA Payments”); and

WHEREAS, the Town and the Company wish to memorialize the terms and conditions associated with HCA Payments by entering into a host community agreement (the “Host Community Agreement”).

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board hereby approves the Host Community Agreement including the schedule of HCA Payments set forth in the Host Community Agreement attached hereto as Exhibit A.
2. The Board authorizes the Town Supervisor, on behalf of the Town, to execute the Host Community Agreement.

3. For the purpose of satisfying the requirements contained in the Agency’s Uniform Tax Exemption Policy (the “UTEP”) and General Municipal Law Section 858(15), the Board hereby (a) acknowledges notification of any deviation from the Agency’s UTEP, (b) waives any formal notice from the Agency of any deviation from the Agency’s UTEP, and (c) approves the PILOT Modification and the payment terms to be contained in the Modification Documents, including, but not limited to, the terms of the PILOT Agreement notwithstanding the Pro Rata Allocation.
4. The Town Supervisor is hereby authorized, on behalf of the Town, if requested by the Agency, to execute and deliver a PILOT agreement (or any consent thereto) by and between the Agency and the Company reflecting the PILOT Modification.
5. This resolution shall take effect immediately.

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

AYES:   5  

NAYS:   0  

The resolution was thereupon declared adopted.

The following resolution was also adopted:

**Resolution #22 of 2023**  
**Control of Snow and Ice on County Highways Agreement Approval**

**Sponsor:     Pete Vroman, Councilman**  
**Second:     Michael Muhlebeck, Councilman**

WHEREAS, the Town of Canajoharie includes 41.60 miles of County Highway (40.97 +0.63 in Village of Ames,

WHEREAS, the County of Montgomery Department of Public Works has proposed an agreement for control of snow and ice on County Highways with the Town of Canajoharie for the 2024 Winter in the amount/mile as follows: \$6,335.00 per centerline mile (Total \$264,368.00),

RESOLVED, that the Town of Canajoharie accepts the proposed 2024 Snow/Ice Removal Contracts in the total amount of \$264,368.00,

RESOLVED, that the Town of Canajoharie agrees to the terms as set forth in said proposed Agreement for Control of Snow and Ice on County Highways, beginning January 1, 2024 and ending December 31, 2024.

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

Town Bookkeeper

TOWN OF CANAJOHARIE-12/14/23  
CASH REPORT  
NOVEMBER 30, 2023

CHECKING ACCOUNTS		MONEY MARKET ACCOUNTS	
General	\$ 6,515.91	General	\$159,697.44 Fire District
\$ 39.86	Highway Town Wide	\$271,010.38	
Highway Town Wide	\$ 164,333.42	Highway PartTown	<u>\$298,503.85</u>
Highway Part Town	\$ 301,172.95	Total	<u>\$728,152.26</u>
Capital Project	\$1,925,702.22		
Capital Project in			
Gen Fund Cking	\$ 400,000.00		
Trust & Agency	<u>\$ 29,014.96*</u>		
Total	\$2,826,779.32		

\*\$29,014.96 Avangrid/Mohawk Solar Project Escrow

SAVINGS ACCOUNTS

Highway Cap Reserve	\$ 46,822.47
Gen-Cap Reserve-Garage	\$236,588.67
Gen-Cap Reserve-land	<u>\$ 15,624.72</u>
Total	\$299,018.45

**Authorization of Vouchers**

The Town Clerk presented the following bill vouchers for approval:

General fund vouchers #386 through #426, totaling \$234,282.68.

Highway fund vouchers #121 through #131, totaling \$44,522.33.

On a motion by Mr. Vroman, seconded by Mr. Armitstead, the bill vouchers were unanimously approved for payment. All in favor, ayes carried.

**Adjournment**

On a motion by Mr. Vroman, seconded by Mr. Armitstead, the meeting was adjourned at 8:46 PM. All in favor, ayes carried.

Respectfully submitted,  
Erica Hayes, Town Clerk