

A regular meeting for the Town Board of the Town of Constable was held on August 9, 2019 at 7:00 pm. Members present were Councilman Wilson and Patterson, Councilwoman Lemire, Supervisor Onufer, and Town Clerk Prue. Councilman Leahy arrived late.

Guests present were Brendan McDonough, Malone Telegram and Jeremy Evans, Franklin County IDA

A motion was made by Councilwoman Lemire and seconded by Councilman Patterson to accept the minutes from the July 11, 2019 meeting, motion carried.

CODE OFFICER

Jeremy Evans, Franklin County IDA, explained the pilot program and how it will affect the Town. He presented the "Pilot Consent Resolution" for the Town Board to approve. A motion was made by Councilman Patterson and seconded by Councilman Wilson for Resolution #9-2019 which reads as follows:

Pilot Consent Resolution (OYA State Route 122 LLC Project)

At a regular meeting of the Town Board of the Town of Constable (the "Town") convened on August 8, 2019 at 7:00 p.m.

The following resolution was duly offered and seconded, to wit:

Resolution #9-2019

RESOLUTION OF THE TOWN BOARD CONSENTING TO A PROPOSED PILOT AGREEMENT TO BE PROVIDED BY THE COUNTY OF FRANKLIN INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") IN CONNECTION WITH A CERTAIN PROJECT (AS DESCRIBED BELOW) TO BE UNDERTAKEN BY OYA STATE ROUTE 122 LLC

WHEREAS, **OYA STATE ROUTE 122 LLC**, for itself and/or on behalf of an entity or entities to be formed (collectively, the "Company"), has submitted an application (the "Application") to the Agency requesting the Agency's assistance with a certain project (the "Project") consisting of (i) the acquisition by the Agency of a leasehold interest in approximately 144 acres of real property located at 1436 State Route 122 in the Town of Constable, New York (the "Land", being more particularly described as a portion of tax parcel No. 57.00-2-281, as may be subdivided); (ii) the planning, design, construction and operation of a 4.53MWAC/6.8MWDC PV community solar electrical generation system, including panel foundations, inverters, transformers, interconnect wiring, utility connections, site work, landscaping, fencing security and related improvements (collectively, the "Improvements"); (iii) the acquisition of and installation in and

around the Land and Improvements by the Company of machinery, equipment, fixtures, and other items of tangible personal property (the "Equipment" and, collectively with, the Land and the Improvements, the "Facility"); and (iv) entering into a straight lease transaction (within the meaning of subdivision (15) of Section 854 of the Act), pursuant to which the Agency will retain a leasehold interest in the Facility for a period of time and sublease such interest in the Facility back to the Company (the "Straight Lease Transaction"); and

WHEREAS, in connection with the Application, and in furtherance of the Project's positive financial impact within the County of Franklin ("the County") and Town of Constable (the "Town"), the Company has requested the Agency's consideration of a deviation from the Agency's Uniform Tax Exemption Policy ("UTEP") to allow for a payment-in-lieu agreement ("Pilot Agreement") to utilize fixed dollar amounts per MWAC and carry any abatement term of fifteen (15) years (the "Pilot Deviation", details of which are set forth within **Exhibit A** hereto); and

WHEREAS, the Agency and the Company have requested the consent of the Town to the PILOT Deviation pursuant to and in accordance with the Agency's UTEP.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN AS FOLLOWS:

Section 1. The Town hereby authorizes the Agency and the Company to undertake the PILOT Deviation in connection with the Project, as more particularly outlined within **Exhibit A.** hereto,

Section 2. These Resolutions shall take effect immediately.

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

Councilwoman Lemire – Yes
Councilman Leahy – Absent
Councilman Patterson – Yes
Councilman Wilson – Yes

The Resolutions were thereupon duly adopted.

Motion carried.

EXHIBIT A

“Total PILOT Payment” shall be calculated as follows:

| <u>PILOT Year</u> | <u>County/Town Tax Year</u> | <u>School Tax Year</u> | <u>Total PILOT Payment</u> |
|-----------------------|---------------------------------|----------------------------|--|
| INTERIM | 2019/2020 | 2019/2020 | Full taxes |
| Year 1 | 2021 | 2020/2021 | (Base Valuation Payment), plus \$24,915.00 |
| Year 2 | 2022 | 2021/2022 | (Base Valuation Payment), plus \$25,413.30 |
| Year 3 | 2023 | 2022/2023 | (Base Valuation Payment), plus \$25,921.57 |
| Year 4 | 2024 | 2023/2024 | (Base Valuation Payment), plus \$26,440.00 |
| Year 5 | 2025 | 2024/2025 | (Base Valuation Payment), plus \$26,968.80 |
| Year 6 | 2026 | 2025/2026 | (Base Valuation Payment), plus \$27,508.17 |
| Year 7 | 2027 | 2026/2027 | (Base Valuation Payment), plus \$28,058.34 |
| Year 8 | 2028 | 2027/2028 | (Base Valuation Payment), plus \$28,619.50 |
| Year 9 | 2029 | 2028/2029 | (Base Valuation Payment), plus \$29,191.89 |
| Year 10 | 2030 | 2029/2030 | (Base Valuation Payment), plus \$29,775.73 |
| Year 11 | 2031 | 2030/2031 | (Base Valuation Payment), plus \$30,371.25 |
| Year 12 | 2032 | 2031/2032 | (Base Valuation Payment), plus \$30,978.67 |
| Year 13 | 2033 | 2032/2033 | (Base Valuation Payment), plus \$31,598.24 |
| Year 14 | 2034 | 2033/2034 | (Base Valuation Payment), plus \$32,230.21 |
| Year 15 | 2035 | 2034/2035 | (Base Valuation Payment), plus \$32,874.81 |

For the term of this PILOT Agreement, the Company shall pay full taxes based on the assessed value of the Land before the completion of any Project improvements, (the “Base Valuation”). During the term of this PILOT Agreement, the Base Valuation shall be frozen at Full Market Value of \$158,590.00 (as may be equalized), or such amount as may be assigned by the assessor in connection with subdivision or establishment of a new tax parcel for the Project. The Base Valuation Payment component for each Total PILOT Payment shall be calculated by multiplying the Base Valuation by the respective tax rate for each affected tax jurisdiction (after application of any applicable equalization rate).

In addition to the Base Valuation Payment, the Company shall also pay an amount equal to \$5,500.00 per MWac PV solar electrical generation capacity, which as of the date of this Agreement is 4.53MW, with such amount escalating at 2% per year during the term hereof. Any future upgrades to the Project increasing the MWac PV solar electrical capacity shall increase the amounts payable hereunder accordingly at the then-applicable per MWac rate. The Company shall certify annually to the Agency the true and correct amount of the Project’s per MWac PV solar electrical generation capacity as part of its annual certification required pursuant to that certain Agent and Financial Assistance and Project Agreement, dated as of the date hereof and entered into by the Agency and Company (the “Agent Agreement”). After the fifteenth (15th) PILOT year, the Project Facility shall be subject to full taxation by the affected taxing jurisdictions.

Code Officer Halley gave his report for July 8, 2019 – August 08, 2019

Code Officer Halley reported that there is some improvement on the Sand Road cleanup, Taylor Road unchanged and Miller Road house has been demolished and the lot is all cleaned up.

A motion was made by Councilman Wilson and seconded by Councilwoman Lemire to accept the Code Officer's report, motion carried.

HIGHWAY

Highway Superintendent Martin reported that the paving that has been planned for this summer is partially completed.

Highway Superintendent Martin gave his fuel usage report for June & July.

Mining permit – nothing new to report.

Stebbins Road – Work on the Stebbins Road is expected to be completed next year.

Crosswalk – nothing new to report.

A motion was made by Councilman Patterson and seconded by Councilwoman Lemire to accept Larry's Superintendent's Report.

A motion was made by Councilman Wilson and seconded by Councilman Leahy for Highway Dept. Budget Amendment #5-2019, which reads as follows:

\$136.84 from Account #DA5110.4 General Repair - Cont. Exp.
\$136.84 to Account #DA5140.4 Misc. Brush & Weeds - Cont. Exp.

Motion carried.

Highway bills were audited and approved # 87 - 95

Motion made by Councilman Wilson, seconded by Councilwoman Lemire. to accept the Supervisor's Report Highway Fund, motion carried.

REC PARK

Supervisor Onufer reported that the monthly water report was sent to the NYS-DEC on August 1, 2019.

Supervisor Onufer reported that the Franklin County Youth Grant has been raised from \$950.00 to \$1,000.00.

Supervisor Onufer reported the park should be open until August 21, 2019.

WEB & TECHNICAL SUPPORT

Dalton was unable to attend due do prior commitments.

CAPITAL IMPROVEMENTS

A motion was made by Councilwoman Lemire and seconded by Councilman Wilson to upgrade the siding for the new town hall from vinyl composite to wood siding at a cost of \$2,500.00 and to put stone in front at a cost of \$5,000.00 for a total of \$7.500.00, motion carried.

A motion was made by Councilwoman Lemire and seconded by Councilman Wilson to accept the Supervisor's Report of the Capital Project Statement, motion carried.

Bills were audited and approved. #9

SOLAR

Supervisor reported that there is no update of sharing with HELIOS & OYA the connection that will be needed with NYSEG.

Supervisor Onufer reported that he had received the proposed long term lease from HELIOS on July 31, 2019 and he had sent a copy to each board member and one sent to the Town Attorney. Supervisor Onufer reported that Matt McArdle received the proposal and had some concerns and would like to address the board at the September meeting.

TOWN CLERK

A motion was made by Councilman Leahy and seconded by Councilman Wilson to accept the Town Clerk's report, motion carried.

TOWN JUSTICE

Supervisor Onufer reported Justice Wisnesky court fees for July were \$1,037.00, and a voucher was received from the State Comptroller's Office in the amount of \$827.00, the Town's portion was \$210.00.

ASSESSOR

Supervisor Onufer reported that due to the Town Board wanting the Assessor Position to be an elected position not an appointed one, Local Law #1-2019 is tabled until October meeting.

GENERAL

Supervisor Onufer reported receipt of \$10,002.36 for the April, May and June 2019 quarter from the F.C.S.W.M.A.

Supervisor Onufer reported he needs 3 people on the Ethics Board (1 Board member and 2 Town of Constable Residents). Councilman Wilson volunteered and Supervisor Onufer reported that Teresa Robideau, Adult Center Director, also volunteered, he needs one more resident to complete the Ethics Board.

Supervisor Onufer presented to the town board the fact that someone has a hotdog stand in the center of town and would the board like to pursue the option of a peddler's permit for this vendor. After discussing the matter it was decided by all board members to not pursue this.

Supervisor Onufer reported there had been a Shared Services meeting on July 29, 2019.

A motion was made by Councilman Wilson and seconded by Councilman Leahy for Budget Amendment #5-2019 for the General Fund, motion carried.

\$150.55 from A1910.4 Fire Dept. Cancer Ins.
\$150.55 to A110.4 Justice Cont. Exp.

\$34.49 from A5010.4 – Super. Of Highways – Cont. Exp.
\$34.49 to A5132.4 – Garage – Cont. Expt.

NY Class Account for July presented for all board members to review.

Trial Balance for July presented for all board members to review.

Supervisors Report for the General Fund presented for all board members to review. A motion was made by Councilman Patterson and seconded by Councilwoman Lemire to approve the July Supervisors Report, motion carried.

General bills were audited and approved #130 -156

Motion to adjourn was made by Councilman Leahy at 9:29 P.M., seconded by Councilwoman Lemire, motion carried.