

The Town of Champion Town Board met in regular monthly session on Monday, April 5, 2021 at the Town Municipal Building, 10 North Broad Street, West Carthage. Present were Supervisor Ferguson, Councilmen Stewart, Watkins, Waite and Gump and Highway Superintendent Strife.

Supervisor Ferguson called the meeting to order at 7:00pm, followed by the Pledge of Allegiance.

Supervisor Ferguson opened the meeting for public comment. Jonathan Schell asked about the Town's plan for funds received from the America's Rescue Plan. Supervisor Ferguson responded that a portion of the reported grant would go to the V/West Carthage and that guidance regarding how the monies may be expended is still pending.

Jessica Tyler, NYS Route 26 stated that she lives adjacent to Champion Materials and expressed concerns regarding the setting of poles that are part of a solar construction project and the potential impact on a spring that serves as the family's water source. P. LaBarge asked that Mrs. Tyler submit a letter outlining her concerns.

Monthly Reports

- Engineer – Supervisor Ferguson stated that the town engineer is ready to prepare grant applications and design documents for the proposed salt barn.
- Councilmen – M. Gump asked if the fire station in Champion always received a water bill. C. Vargulick responded that they did.
- Highway – J. Strife reported that the department has begun roadside trash pickup and is sweeping intersections. He reported that the T/Denmark would like to coordinate profiling of that portion of VanBrocklin Road located between the intersection with County Route 45 and the bridge. The cost to the Town of Champion will be approximately \$3,000. Motion by M. Gump, seconded by L. Waite to authorize the Highway Superintendent to expend the funds to profile the defined section of road in coordination with the T/Denmark. Ayes-5, Nays-0. Motion carried.
- Assessor – W. Vargulick reported that a settlement has been reached regarding the assessment challenge by DC Associates owners of Sedgewick Pines. The current assessment is \$6.1M. The settlement proposes lowering the assessment to \$6.0M for the next three years with no change in the prior assessment and therefore no payback. The town wide revaluation is complete and change of assessment notices have been mailed to affected property notices. Increases in assessments are based on strong sales and current cost of materials. Home solar has been assessed at \$700/kw.
- Planning Board/ZEO – P. LaBarge reported that the Planning Board is reviewing a number of site plans and that he issued nine (9) zoning permits in March.
- Circuit Rider – M. Dietrich summarized his monthly report.

Motion by H. Watkins, seconded by T. Stewart to approve the minutes of March 1, 2021 as presented. Ayes-5, Nays-0. Motion carried.

Motion by T. Stewart, seconded by M. Gump to pay the following bills as presented:

General #76-116.....	\$21,072.75
Highway #36-51.....	\$24,806.22
RACOG #3-7.....	\$1,075.00
Con WD#1 O&M #4-5.....	\$430.55
WD#2,4&5 O&M #19-27.....	\$5,046.40
SD#2 O&M #13-16.....	\$1,299.56

Ayes-5, Nays-0. Motion carried.

The Supervisor's monthly report was read and discussed. Motion by M. Gump, seconded by T. Stewart to accept the report as presented. Ayes-5, Nays-0. Motion carried.

Supervisor Ferguson reported that annual sexual harassment and violence in the workplace training has been completed. The risk assessment was discussed with employees.

Information regarding community solar program will be presented by webinar on May 18 and May 20 for interested residents in the Town of Champion including the Village of West Carthage. A link will be available on the Town website for residents to sign up for the program for both electric and/or natural gas supplies. Residents would be eligible for up to a 10% savings for those utilities. Good Energy will advertise for bids for the Community Choice Aggregate for additional savings on utility supply rates.

Supervisor Ferguson reported that he received a letter of resignation for Robert Blank. Mr. Blank served as the Town's representative on the RACOG ZBA. The vacancy will be advertised.

New Business

- Motion by H. Watkins seconded by L. Waite to authorize the Highway Superintendent to post roads as he deems necessary. Ayes-5, Nays-0. Motion carried.
- Supervisor Ferguson reviewed the decommissioning plans for solar facilities currently owned by NY USLE Carthage SR26 A LLC and NY USLE Carthage SR26 B LLC. The estimated cost of decommissioning is \$118,634 and \$75,926 respectively. Section 5.2 of the plan establishes a 5-year installment plan (20%/year) to be paid by the Project Company and held in reserve by the Town. D. Martel stated that she is seeking guidance from the Office of the State Comptroller to assure that the funds are accounted for but not included as part of the Town's operating budget. H. Watkins emphasized that the deposits should be accounted for individually. Motion by M. Gump, seconded by T. Stewart to approve the decommissioning plans as presented. Ayes-5, Nays-0. Motion carried.

- The following was offered by Councilman Stewart, seconded by Councilman Waite, to wit:

WHEREAS, this Board has determined it to be prudent and responsible to establish a reserve fund pursuant to §6-c of the New York General Municipal Law for the inevitable decommissioning of solar facilities located at 35890 New York State Route 26 to facilitate future planning for the Town.

NOW, THEREFORE, be it resolved by the Town Board of the Town of Champion as follows:

Pursuant to Section 6-c of the New York General Municipal Law, there is hereby established a capital reserve fund to be known as USLE Solar Facilities Decommissioning Fund.

The purpose of the reserve fund established by this Resolution is to finance the cost of decommissioning the solar facilities including the disconnection of the solar facility from the electrical grid, the removal of all solar facility components and to restore the applicable portion of the facility site to a state as close as reasonably possible to its pre-construction condition.

The reserve fund may also be used to mitigate environmental effects during the decommissioning and/or dismantling of the facility components.

The reserve fund shall be used to manage materials and waste generated as a consequence of the decommissioning and for the responsible collection and recycling of the photovoltaic modules.

The chief fiscal officer of the Town of Champion is hereby directed to deposit and secure the moneys of this reserve fund in the manner provided by Section 10 of the General Municipal Law. The chief fiscal officer may invest the moneys in the reserve fund in the manner provided by Section 11 of the General

Municipal Law and consistent with the investment of policy of the Town of Champion. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the reserve fund established by the Resolution. The chief fiscal officer shall account for the reserve fund in a manner which maintains the separate identity of the reserve fund and show the date and amount of each sum paid into the Fund, interest earned, capital gains or losses resulting from the sale of investments of the fund, showing cash balance and a schedule of investments, and shall at the end of each fiscal year, render the Town Board a detailed report of the operation and condition of the reserve fund.

Except as otherwise provided by law, expenditures from the reserve fund established by this Resolution shall be made only for the purposes for which the reserve fund is established. No expenditures shall be made from the reserve fund without the approval of this governing board and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law, the provisions of the Local Finance Law, or any other law.

This Resolution shall take effect immediately.

Bruce R. Ferguson, Supervisor – Aye
Thomas E. Stewart, Councilman – Aye
Henry S. Watkins, Councilman – Aye
Louis J. Waite, Councilman - Aye
Matthew T. Gump, Councilman – Aye

- Supervisor Ferguson reviewed updates to the Employee Handbook including current language and the inclusion of a section on violence in the workplace. Motion by T. Stewart, seconded by L. Waite to approve the updates as presented. Ayes-5, Nays-0. Motion carried.
- Motion by T. Stewart, seconded by H. Watkins to authorize the Supervisor to sign the RACOG IMA to include the Village of Lowville. Ayes-5, Nays-0. Motion carried.
- WHEREAS, certain premises owned by DC WEST CARTHAGE ASSOCIATES, LLC (“DC WEST CARTHAGE”), in the Town of Champion on Broad Street, West Carthage NY 13619, Parcel No 86.55-1-50.1 on the assessment roll and map of the Town are assessed upon the assessment of the Town for the payment of taxes starting with tax year 2016 as follows:

2016 Tax Parcel #: 86.55-1-50.1	\$6,100,000.
2017 Tax Parcel #: 86.55-1-50.1	\$6,100,000
2018 Tax Parcel #: 86.55-1-50.1	\$6,100,000
2019 Tax Parcel #: 86.55-1-50.1	\$6,100,000
2020 Tax Parcel #: 86.55-1-50.1	\$6,100,000

WHEREAS, DC WEST CARTHAGE, has heretofore duly instituted in the Supreme Court proceedings to review the assessment and the determination of the Board of Review of the Town for the tax years 2016-2020; and

WHEREAS, the parties, after review and consideration of financial information, have agreed that the assessment for the following years shall remain the same or be reduced on the subject property and set as:

2016 - \$6,100,000
2017 - \$6,100,000
2018 - \$6,100,000
2019 - \$6,100,000
2020 - \$6,000,000(no refunds or rebates); and

WHEREAS, in consideration of the Town adjusting and/or setting the assessment as set forth above, the Petitioner agrees not to commence tax assessment review proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York or under any other applicable provision of law for tax years 2021, 2022, and 2023 except as otherwise authorized by RPTL § 727; or as herein, and

WHEREAS, the Town Assessor reserves the right to adjust the assessment on the subject property for years 2021, 2022, and 2023 as authorized by RPTL §727(2)(c, d, e, f, g, h & i), and similarly the Petitioner shall not be barred from challenging and/or commencing proceedings to review the assessment on the subject property in those instances; and

WHEREAS, a compromise and settlement of the aforesaid proceedings upon the above basis is deemed in the best interest of the Respondents;

NOW THEREFORE BE IT RESOLVED by the Town Board of the Town of Champion, New York that the Town attorneys be and are hereby authorized, empowered and directed to enter into a formal Stipulation of Settlement and Discontinuance of the aforesaid proceedings with counsel for DC WEST CARTHAGE ASSOCIATES, LLC on the following terms and conditions:

1. The total assessment of the subject property shall be set as follows:
2016 - \$6,100,000
2017 - \$6,100,000
2018 - \$6,100,000
2019 - \$6,100,000
2020 - \$6,000,000(no refunds or rebates)
2. The total assessment for the subject property shall be set at \$6,000,000 for tax year 2021 and as so adjusted shall be finally fixed and determined.
3. That the above adjustments, with no refunds and/or rebates for 2020 are made in consideration of the Petitioner's agreement not to commence tax assessment review proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York, or under any other applicable provision of law, for tax years 2021-2023 so long as the assessment is fixed as set forth above.
4. That the Town Assessor reserves the right to adjust the assessment of the subject property as authorized by RPTL §727 (2)(c, d, e, f, g, h & i) during years 2021-2023.
5. That in the instances specified at paragraph 4, the Petitioner reserves the right to challenge the assessment on the subject property as relates to RPTL §727.
6. That an Order of the Supreme Court shall be made and entered settling the aforesaid proceedings to review said assessment without costs to either party as against the other and upon the terms and conditions set forth above; and

BE IT FURTHER RESOLVED, that the Town Assessor and all other municipal officers, agents or employees be and they hereby are directed to do such acts and things as may be necessary to give full force and effect to the aforesaid settlement.

This Resolution shall take effect immediately.

The foregoing Resolution was offered by Board Member, Louis Waite, and seconded by Board Member, Matthew Gump, and upon roll call vote of the Council was duly adopted as follows:

Bruce Ferguson - Supervisor	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Henry S. Watkins	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Thomas E. Stewart	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Matthew Gump	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Louis Waite	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

- Motion by M. Gump, seconded by T. Stewart to authorize the Supervisor to execute the professional services agreement for a salt storage facility with Berner, Carr & Associates. Ayes-5, Nays-0. Motion carried.
- Motion by L. Waite, seconded by T. Stewart to schedule bulk clean up days for Town of Champion residents for May 7 and May 8 on the recommendation of Highway Superintendent Strife. Ayes-5, Nays-0. Motion carried.
- Motion by T. Stewart, seconded by B. Ferguson to adjourn. The meeting adjourned at 7:53pm.

Christina Vargulick

Christina Vargulick

Town Clerk