

Town of Chateaugay

April 24, 2023

Special Meeting A special meeting was called to order at 6:00 PM on April 24, 2023 at the Chateaugay Town Hall by Supervisor Donald Bilow

Members Present Supervisor Donald Bilow, Councilman William Trombly, Councilman Scott Cowan, Councilman Kirby Selkirk, Town Clerk Phyllis LeMay, and Councilman Jim Harrigan was absent.

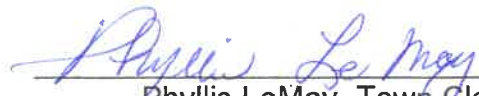
Opt In 487 Resolution #30 A motion was made by Bill Trombly and seconded by Scott Cowan to approve the Opt In 487. All in favor, motion carried. (Copy of Resolution is attached)

Norbut Resolution #31 A motion was made by Scott Cowan and seconded by Bill Trombly to approve a resolution on the Adoption of the Pilot Agreement with Norbut for Chateaugay Site 1 and Chateaugay Site 2. A roll call vote was taken with the following results: Bill Trombly – Aye, Scott Cowan – Aye, James Harrigan – Absent, Kirby Selkirk – Aye and Supervisor Donald Bilow – Aye. (Copy of Resolution is attached)

Opt Out 487 Resolution #32 A motion was made by Bill Trombly and seconded by Scott Cowan to approve the Opt Out 487, all in favor, motion carried. (Copy of Resolution is attached)

Adjournment A motion was made by Bill Trombly and seconded by Scott Cowan to adjourn the meeting. All in favor, motion carried.

Meeting adjourned at 6:05 P.M.



Phyllis LeMay, Town Clerk

**RESOLUTION NO. 30 OF THE
TOWN OF CHATEAUGAY TOWN BOARD**

RESOLUTION ADOPTING LOCAL LAW No. 1 of 2023

At the meeting of the Town of Chateaugay (the "**Town**") Town Board (the "**Board**") held on April 24, 2023, Board member William Trombly moved for adoption of the following resolution, and Board member Scott Cowan seconded the motion and it was passed by a majority vote of the Board.

WHEREAS, proposed Local Law No. 1 of 2023 of the Town of Chateaugay entitled "A Local Law Repealing Article VI, Section 30 of Local Law No. 7 of 2006 Entitled "Wind Energy Facilities" and Opting Back into the New York State Real Property Tax Law Section 487 Exemption" (the "**Local Law**") was presented to the Board on April 10, 2023, and a copy thereof was kept with the Town Clerk and copies were provided to members of the Board at least 10 days, exclusive of Sundays, prior to its final passage; and

WHEREAS, the Board held a public hearing on the advisability of enacting the Local Law on April 17, 2023, to hear all persons interested.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts the Local Law, and such Local Law shall be entered into the minutes of the Board; and

BE IT FURTHER RESOLVED, that certified copies of the Local Law in its final form shall be filed with the New York State Secretary of State. It shall also be filed with the Commissioner of the New York State Department of Taxation and Finance and the President of the New York State Energy Research and Development Authority; and

BE IT FURTHER RESOLVED, that the Local Law shall take effect immediately upon filing by the New York Secretary of State; and

BE IT FURTHER RESOLVED, that if any term, condition, or provision of this Resolution, or the application thereof, shall, to any extent, be held by a court of competent jurisdiction to be invalid or unenforceable, then the remainder of this Resolution, or the application of such term, condition, or provision, other than those to which it is held invalid or unenforceable, will not be affected thereby, and each remaining term, condition, and provision of this Resolution will continue in full force and effect to the fullest extent permitted by law so long as the Resolution, in its remaining form, realizes the overall intent of its findings, terms, and conditions; and

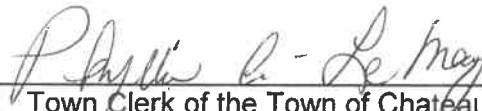
BE IT FURTHER RESOLVED, that the Town Clerk shall immediately file a date-stamped copy of this Resolution in the Town records.

[Signature page follows.]

Monday, April 24, 2023

IN WITNESS WHEREOF, this Resolution was duly adopted by the board
at its special meeting, the date of which is listed above.

Bill Trombly	Voting	YES
Scott Cowan	Voting	YES
James Harrigan	Voting	ABSENT
Kirby Selkirk	Voting	YES
Donald Bilow	Voting	YES



Town Clerk of the Town of Chateaugay

LOCAL LAW NO. 1 OF 2023

A LOCAL LAW REPEALING ARTICLE VI, SECTION 30 OF LOCAL LAW NO. 7 OF 2006 ENTITLED “WIND ENERGY FACILITIES” AND OPTING BACK INTO THE NEW YORK STATE REAL PROPERTY TAX LAW SECTION 487 EXEMPTION

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF CHATEAUGAY AS FOLLOWS:

SECTION 1. PURPOSE AND INTENT - It is the purpose and intent of this Local Law to repeal Article VI, Section 30 of Local Law No. 7 of 2006 entitled “Wind Energy Facilities,” which was adopted on November 27th, 2006, in which the Town Board exercised its right to opt out of the real property tax exemption pursuant to New York Real Property Tax Law Section 487 (“RPTL 487”). Pursuant to this repeal, such systems will be entitled to a tax exemption under RPTL 487.

SECTION 2. AUTHORITY - This Local Law is adopted pursuant to Municipal Home Rule Law Section 10.

SECTION 3. REPEAL; DELETION - Article VI, Section 30 of Local Law No. 7 of 2006 entitled “Wind Energy Facilities” is hereby repealed in its entirety.

SECTION 4. REPEALER - All Local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local Law are hereby repealed.

SECTION 5. SEVERABILITY - If any term, condition, or provision of this Local Law, or the application thereof, shall, to any extent, be held by a court of competent jurisdiction to be invalid or unenforceable, then the remainder of this Local Law, or the application of such term, condition, or provision, other than those to which it is held invalid or unenforceable, will not be affected thereby, and each remaining term, condition, and provision of this Local Law will continue in full force and effect to the fullest extent permitted by law so long as the Local Law, in its remaining form, realizes the overall intent of its findings, terms, and conditions

SECTION 6. EFFECTIVE DATE - This Local Law shall take effect immediately upon filing by the New York Secretary of State. It shall also be filed with the Commissioner of the New York State Department of Taxation and Finance and the President of the New York State Energy Research and Development Authority.

**RESOLUTION NO. 31 OF THE
TOWN OF CHATEAUGAY TOWN BOARD**

RESOLUTION APPROVING ADOPTION OF A PILOT AGREEMENT

At the meeting of the Town of Chateaugay (the "**Town**") Town Board (the "**Board**") held on April 24, 2023, Board member Scott Cowan moved for adoption of the following resolution, and Board member William Trombly seconded the motion and it was passed by a majority vote of the Board.

WHEREAS, NSF Chateaugay Site 1, LLC and NSF Chateaugay Site 2, LLC (together, the "**Owner**") have entered into negotiations with the Board for approval of a PILOT (Payment in Lieu of Taxes) Agreement under Section 487 of the New York State Real Property Tax Law ("**RPTL 487**") in relation to the construction and operation of two separate but related projects each comprised of an approximately 4-5 MW(AC) ground-mounted solar array, for a total project size of approximately 9.375 MW(AC), and associated infrastructure, including equipment and improvements for interconnection to the local utility power grid (collectively, the "**Project**"), primarily on certain undeveloped land located at 8150 State Route 11 in the town of Chateaugay, NY (now or formerly known as Tax Map Number(s) 62.-2-2.100); and

WHEREAS, the Owner entered into a Host Community Benefit Agreement for each project site (together, the "**HCA**") with the Town dated November 20th, 2021 that provided for payments to the Town over a 15-year period; and

WHEREAS, the Owner received final approval for Site Plan and a Special Use Permit ("**Final Approvals**") from the Town of Chateaugay Town Board on December 2nd, 2021; and

WHEREAS, the Owner sent a proposed PILOT Agreement to the Town on September 28th, 2022 (as modified from time to time as agreed upon among the relevant parties) (the "**PILOT Agreement**"); and

WHEREAS, the Board duly adopted Local Law No. 1 of 2023 and opted back into the Real Property Tax Law Section 487 exemption at their meeting on April 24, 2023.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby approves the PILOT Agreement at the rate set forth in Exhibit A of the PILOT Agreement and such other terms and conditions as may be approved by the Town Supervisor.

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby empowered to sign the PILOT Agreement with the Owner, insofar as the payment rate remains equal to that as set forth in Exhibit A of the PILOT Agreement approved herein.

BE IT FURTHER RESOLVED, that if any term, condition, or provision of this Resolution, or the application thereof, shall, to any extent, be held by a court of competent jurisdiction to be invalid or unenforceable, then the remainder of this Resolution, or the application of such term, condition, or provision, other than those to which it is held invalid or

unenforceable, will not be affected thereby, and each remaining term, condition, and provision of this Resolution will continue in full force and effect to the fullest extent permitted by law so long as the Resolution, in its remaining form, realizes the overall intent of its findings, terms, and conditions.

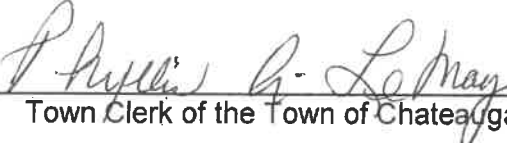
BE IT FURTHER RESOLVED, that the Town Clerk shall immediately file a date-stamped copy of this Resolution in the Town records.

[Signature page follows.]

Monday, April 24, 2023

IN WITNESS WHEREOF, this Resolution was duly adopted by the board
at its special meeting, the date of which is listed above.

Bill Trombly	Voting	YES
Scott Cowan	Voting	YES
James Harrigan	Voting	ABSENT
Kirby Selkirk	Voting	YES
Donald Bilow	Voting	YES


Town Clerk of the Town of Chateaugay

**RESOLUTION NO. 32 OF THE
TOWN OF CHATEAUGAY TOWN BOARD**

RESOLUTION ADOPTING LOCAL LAW No. of 2023

At the meeting of the Town of Chateaugay (the "**Town**") Town Board (the "**Board**") held on April 24, 2023, Board member William Tnomby moved for adoption of the following resolution, and Board member Scott Cowan seconded the motion and it was passed by a majority vote of the Board.

WHEREAS, proposed Local Law No. of 2023 of the Town of Chateaugay (the "**Local Law**") was presented to the Board on April 10, 2023, and a copy thereof was kept with the Town Clerk and copies were provided to members of the Board at least 10 days, exclusive of Sundays, prior to its final passage; and

WHEREAS, the Board held a public hearing on the advisability of enacting the Local Law on April 17, 2023, to hear all persons interested.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts the Local Law, and such Local Law shall be entered into the minutes of the Board; and

BE IT FURTHER RESOLVED, that certified copies of the Local Law in its final form shall be filed with the New York State Secretary of State. It shall also be filed with the Commissioner of the New York State Department of Taxation and Finance and the President of the New York State Energy Research and Development Authority; and

BE IT FURTHER RESOLVED, that the Local Law shall take effect immediately upon filing by the New York Secretary of State; and

BE IT FURTHER RESOLVED, that if any term, condition, or provision of this Resolution, or the application thereof, shall, to any extent, be held by a court of competent jurisdiction to be invalid or unenforceable, then the remainder of this Resolution, or the application of such term, condition, or provision, other than those to which it is held invalid or unenforceable, will not be affected thereby, and each remaining term, condition, and provision of this Resolution will continue in full force and effect to the fullest extent permitted by law so long as the Resolution, in its remaining form, realizes the overall intent of its findings, terms, and conditions; and

BE IT FURTHER RESOLVED, that the Town Clerk shall immediately file a date-stamped copy of this Resolution in the Town records.

[Signature page follows.]

Monday, April 24, 2023

IN WITNESS WHEREOF, this Resolution was duly adopted by the board
at its special meeting, the date of which is listed above.

Bill Trombly	Voting	YES
Scott Cowan	Voting	YES
James Harrigan	Voting	ABSENT
Kirby Selkirk	Voting	YES
Donald Bilow	Voting	YES



Town Clerk of the Town of Chateaugay

LOCAL LAW NO. 2 OF 2023

A LOCAL LAW REPEALING LOCAL LAW NO. 1 OF 2023 AND OPTING OUT OF THE NEW YORK STATE REAL PROPERTY TAX LAW SECTION 487 EXEMPTION

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF CHATEAUGAY AS FOLLOWS:

SECTION 1. PURPOSE AND INTENT - It is the purpose and intent of this Local Law to repeal Local Law No. 1 of 2023 which was adopted on April 17th, 2023, in which the Town Board exercised its right to opt into the real property tax exemption pursuant to New York Real Property Tax Law Section 487 (“**RPTL 487**”). Pursuant to this repeal, such systems will no longer be entitled to a tax exemption under RPTL 487.

SECTION 2. AUTHORITY - This Local Law is adopted pursuant to Municipal Home Rule Law Section 10.

SECTION 3. REPEAL - Local Law No. 1 of 2023 is hereby repealed in its entirety.

SECTION 4. REPEALER - All Local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local Law are hereby repealed.

SECTION 5. SEVERABILITY - If any term, condition, or provision of this Local Law, or the application thereof, shall, to any extent, be held by a court of competent jurisdiction to be invalid or unenforceable, then the remainder of this Local Law, or the application of such term, condition, or provision, other than those to which it is held invalid or unenforceable, will not be affected thereby, and each remaining term, condition, and provision of this Local Law will continue in full force and effect to the fullest extent permitted by law so long as the Local Law, in its remaining form, realizes the overall intent of its findings, terms, and conditions

SECTION 6. EFFECTIVE DATE - This Local Law shall take effect immediately upon filing by the New York Secretary of State. It shall also be filed with the Commissioner of the New York State Department of Taxation and Finance and the President of the New York State Energy Research and Development Authority.