

May 13, 2024
Town of Albion Regular Meeting

Agenda

1. Call Meeting to Order
2. Pledge of Allegiance
3. Exit Message
4. FYI: Remind residents to sign attendance sheet
5. Roll Call
6. Public Comment
7. Motion to approve agenda
8. Motion to approve the minutes of April 8, 2024 meeting
9. Resolution to approve the vouchers
10. Resolution to approve the final audit of Court Clerk Denise Cornick
11. Motion to accept the retirement letter from Denise Cornick as Court Clerk
12. Resolution retirement standard workday
13. Water/Sewer rates Village of Albion
14. 284 Agreement
15. Petition for water Moore/Butts Rd received May 6, 2024
16. Donation to the Village summer recreation program
17. Resolution – PILOT – NY USLE Albion Long Bridge
18. Executive Session

13-May-24

Albion Town Board Regular Meeting

Please sign in:

1. _____	28. _____
2. _____	29. _____
3. _____	30. _____
4. _____	31. _____
5. _____	32. _____
6. _____	33. _____
7. _____	34. _____
8. _____	35. _____
9. _____	36. _____
10. _____	37. _____
11. _____	38. _____
12. _____	39. _____
13. _____	40. _____
14. _____	41. _____
15. _____	42. _____
16. _____	43. _____
17. _____	44. _____
18. _____	45. _____
19. _____	46. _____
20. _____	47. _____
21. _____	48. _____
22. _____	49. _____
23. _____	50. _____
24. _____	51. _____
25. _____	52. _____
26. _____	53. _____
27. _____	54. _____

May 13, 2024

Albion Town Board regular meeting held in the Town hall, 3665 Clarendon Rd.

Meeting called to order at 5:00 pm.

Pledge of Allegiance was said and the exit message was given.

Present were Councilperson Darlene Benton, Councilperson Sandra Bensley, Supervisor Richard Remley, Councilperson Terry Wilbert and Councilperson Arnold Allen.

Supervisor Richard Remley: I need a motion to approve the agenda.

Motion was made by Councilperson Darlene Benton and was seconded by Councilperson Terry Wilbert approving the agenda as submitted. Motion carried by the following vote:

**Councilperson Darlene Benton, aye
Supervisor Richard Remley, aye
Councilperson Arnold Allen, absent**

**Councilperson Sandra Bensley, aye
Councilperson Terry Wilbert, absent**

Supervisor Richard Remley: I need a motion to approve the minutes.

Motion was made by Councilperson Darlene Benton and was seconded by Councilperson Arnold Allen approving the minutes of the April 9, 2024 meeting as published and submitted. Motion carried by the following vote:

**Councilperson Darlene Benton, aye
Supervisor Richard Remley, aye
Councilperson Arnold Allen, absent**

**Councilperson Sandra Bensley, aye
Councilperson Terry Wilbert, absent**

Supervisor Richard Remley: I need a resolution for the vouchers.

Resolution #65 Payment of Claims

Whereas, the following are against the Town:

General, Highway, Water & Sewer 165 – 208 \$119,699.23

Motion was made by Councilperson Arnold Allen and was seconded by Councilperson Terry Wilbert authorizing the payment of the above listed claims. Resolution duly adopted by the following vote:

**Councilperson Darlene Benton, aye
Supervisor Richard Remley, aye
Councilperson Arnold Allen, absent**

**Councilperson Sandra Bensley, aye
Councilperson Terry Wilbert, absent**

Supervisor Richard Remley: I need a motion to approve the standard workday resolution.

Resolution #66 NYS Retirement – Standard Workday

The resolution in its entirety is hereby filed with and made a part of these minutes.

Motion was made by Councilperson Darlene Benton and was seconded by Councilperson Arnold Allen adopting the aforementioned resolution. Motion carried by the following vote:

**Councilperson Darlene Benton, aye
Supervisor Richard Remley, aye
Councilperson Arnold Allen, absent**

**Councilperson Sandra Bensley, aye
Councilperson Terry Wilbert, absent**

Supervisor Richard Remley: I need a motion to approve the standard workday resolution.

Resolution #67 284 Agreement

The resolution in its entirety is hereby filed with and made a part of these minutes.

Motion was made by Councilperson Darlene Benton and was seconded by Councilperson Arnold Allen adopting the aforementioned resolution. Motion carried by the following vote:

Councilperson Darlene Benton, aye

Councilperson Sandra Bensley, aye

Supervisor Richard Remley, aye

Councilperson Terry Wilbert, absent

Councilperson Arnold Allen, absent

Supervisor Richard Remley: I need a resolution calling for public hearing on WD#10.

**Resolution #68 ORDER FOR PUBLIC HEARING ON PROPOSED TOWN OF ALBION WATER DISTRICT NO. 10
PURSUANT TO NY TOWN LAW §193**

WHEREAS, on November 13, 2023, the Town Board of the Town of Albion adopted a resolution proposing to use ARPA Funds for the creation and construction of a water district within the Town of Albion covering portions of Moore Street and Butts Road; and

WHEREAS, the New York State licensed engineering firm of MRB Group Engineering, Architecture & Surveying, D.P.C. of 145 Culver Road, Rochester, New York 14620 has prepared a map and plans of said proposed water district in such manner and detail as is satisfactory to the Albion Town Board; and

WHEREAS, a petition for formation of the Town of Albion Water District No. 10 was filed with the Town of Albion Town Clerk, which petition was signed by real property owners situate within the proposed district owning at least 50% in the aggregate of the assessed valuation of all the taxable real property of the proposed district, and signed by the resident owners owning taxable real property aggregating at least 50% of the assessed valuation of all the taxable real property of the property district owned by resident owners, shown on the latest, completed assessment-roll of the Town; and

WHEREAS, the petition was otherwise in compliance with New York State Town Law §191; and

WHEREAS, the Albion Town Board now desires to proceed with the steps necessary by law for the formation of a proposed water district within the Town of Albion to be known as Water District No. 10; and WHEREAS, said map, plans and reports have been duly filed with the Town Clerk of the Town of Albion on May 14, 2024, and are available for public inspection during normal business hours of the Town; and

WHEREAS, prior to the publication of this Order, the Town Board has caused to be filed for public inspection with the Town Clerk, a detailed explanation of how the estimated cost of hook-up fees, and the cost of the district to the typical property was computed.

NOW THEREFORE, it is FOUND, ORDERED AND DETERMINED that the boundaries of the proposed Town of Albion Water District No. 10 are as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Albion, County of Orleans and State of New York, designated as Albion Water District No. 10 and as delineated on a map prepared by MRB Group Engineering, Architecture & Surveying, D.P.C. dated April 2024, entitled "District Map and Plan" (Project No. 0103.23001) and being more particularly bounded and described as follows:

BEGINNING at a point on the westerly right-of-way of Butts Road, said point being located at coordinates North 1,185,001'± and East 1,259,468'± at the northeast corner of Tax Map Parcel (TMP) 73.-1-2.2, said point being the Point of Beginning (POB) of Albion Water District No. 10; thence

1. Westerly 733'±, along the northern boundary of said TMP 73.-1-2.2 to the northwestern corner of said TMP; thence
2. Southerly 516'±, along the western boundary of TMP 73.-1-2.2 and continuing across the Moore Street right of way to a point on the northwest corner of TMP 73.-1-2.112; thence
3. Southerly 390'±, along the western boundary of TPM 73.-1-2.112 to the southwest corner of said TMP; thence
4. Easterly 810'± along the southern boundaries of TMP 73.-1-2.112, TMP 73.-1-2.11 and TMP 73.-1-2.12, to the southeast corner of said TMP 73.-1-2.12; thence
5. Southerly 152'± along the western boundary of the Butts Road right of way; thence

6. Southeasterly 74'±, across the Butts Road right of way to a point on the southwest corner of TMP 74.-1-1.1; thence
7. Easterly 4,425' along the southern boundary of TMP 74.-1-1.1 and TMP 74.-1-1.2 to a point on the southeast corner of said TMP 74.-1-1.2; thence
8. Continuing easterly 25'± to a point on the centerline of Keitel Road; thence
9. Northerly 1,236'± along the centerline of Keitel Road; thence
10. Westerly 32'± to the northeast corner of TMP 74.-1-1.2; thence
11. Westerly 4,325'± along the northern boundary of TMP 74.-1-1.2 to the northwest corner of TMP 74.-1-1.2; thence
12. Continuing westerly 32'± to a point on the centerline of Butts Road; thence
13. Southerly 345'± along the centerline of Butts Road; thence
14. Westerly 32'±, to the northeast corner of TMP 73.-1-2.2, said location being the point and place of beginning of Albion Water District No. 10.

AND IT IS FURTHER FOUND, ORDERED AND DETERMINED, that the improvements proposed consist of the installation of approximately 1,000 linear feet of 6" water main, 3x6" valves, hydrants, 6x1" water service taps, and appurtenances along the various roads set forth above. The proposed Water District will connect to the Village's 6" main on Riley Place 20' south of the Moore Street intersection.

The Town of Albion receives its water from the Town of Barre. The Town of Barre receives its water from the Village of Albion. The source of the water for the Village of Albion is Lake Ontario. The cost of water charged to the Town of Albion by the Town of Barre is currently \$3.34 per 1,000 gallons. In addition, the Town of Albion pays to the Town of Barre \$0.18 per 1,000 gallons to cover the Town of Albion's portion of the cost of construction, maintenance and/or replacement of items of joint responsibility between the Towns. It is anticipated that the Town of Albion will charge property owners and residents of proposed Water District No. 10 the amount of \$4.88 per 1,000 gallons to cover the cost of purchasing water and associated operation and maintenance of the system; and it is further

FOUND, ORDERED AND DETERMINED that the method of proposed assessment within Water District No.10 shall be on a benefit basis, except for those parcels, if any, that are exempt from assessment under the Agricultural and Markets Laws of the State of New York; and it is further

FOUND, ORDERED AND DETERMINED that the total (maximum) estimated cost of constructing the proposed water district is \$ 70,000.00 which shall be paid entirely from ARPA funds, and none of which shall be financed or assessed against the properties in Water District No. 10.

FOUND, ORDERED AND DETERMINED that the estimated cost to the typical property (including a typical one family home, there being no known two-family homes) within the proposed district is as follows:

- a. Estimated Debt Service per parcel of typical property per year per parcel \$ 0.00;
- b. It is estimated that water usage would average 822 gallons per day for the District, and that the estimated number of non-exempt parcels within the district is 38 (EDU's). Non-exempt vacant land and land without a residence will be counted as one-half of a parcel. The average water usage per household is projected to be 26,250 gallons per year computes to approximately 72 gallons per day per household at a cost to the typical family unit of \$0.43 per day at the current estimated usage charge of \$6.00 per 1000 gallons of water, for a total annual cost of \$ 157.50 per typical residential property which includes one-family households. Usage will naturally vary depending upon household size and other utilization factors. Vacant parcels will not incur a charge. The current estimated existing population in the proposed district is 11 persons, and estimated future population (assuming a 10% growth over 20 years), would be 12 persons. In addition, each benefitted parcel will be charged \$15.00 per quarter as a maintenance fee and a \$5.00 monthly rental fee for meters up to 1 inch.

Total Cost to Average Residential User per year after first year: \$277.50;

- c. In addition, hook up fees for a water meter would cost \$ 478.55; and it is further

FOUND, ORDERED AND DETERMINED that a public hearing shall be held by the Town to hear all persons interested in the subject of this Order for the proposed district project, which public hearing shall be held at 5:00 P.M. on June 10, 2024, at the Albion Town Hall, 3665 Clarendon Road, Albion, New York, and the Town Clerk is hereby directed to cause notice of this Order and the public hearing to be published in the official newspaper of

the Town of Albion on one (1) occasion at least ten (10) days and not more than 20 days prior to the date of said hearing, and the Town Clerk shall further cause a copy of this Order to be posted on the signboard of the Town within such time limits, all as prescribed under §193 of the Town Law of the State of New York; and it is further

FOUND, ORDERED AND DETERMINED that a copy of this Order be attached to and made a part of the minutes of the Town Board of the Town of Albion.

Motion was made by Councilperson Sandra Bensley and was seconded by Councilperson Darlene Benton adopting the aforementioned resolution. Motion carried by the following vote:

Councilperson Darlene Benton, aye

Councilperson Sandra Bensley, aye

Supervisor Richard Remley, aye

Councilperson Terry Wilbert, absent

Councilperson Arnold Allen, absent

Supervisor Richard Remley: I need a resolution adopting SEQR.

Resolution #69 SEQRA NOTICE OF INTENT TO SERVE AS LEAD AGENCY AND CLASSIFY THE ACTION FOR THE CREATION OF WATER DISTRICT NO. 10

WHEREAS, on November 13, 2023, the Town Board of the Town of Albion adopted a resolution proposing to use ARPA Funds for the creation and construction of a water district within the Town of Albion covering portions of Moore Street and Butts Road; and

WHEREAS, the New York State licensed engineering firm of MRB Group Engineering, Architecture & Surveying, D.P.C. of 145 Culver Road, Rochester, New York 14620 has prepared a map and plans of said proposed water district in such manner and detail as is satisfactory to the Albion Town Board; and

WHEREAS, a petition for formation of the Town of Albion Water District No. 10 was filed with the Town of Albion Town Clerk, which petition was signed by real property owners situate within the proposed district owning at least 50% in the aggregate of the assessed valuation of all the taxable real property of the proposed district, and signed by the resident owners owning taxable real property aggregating at least 50% of the assessed valuation of all the taxable real property of the property district owned by resident owners, shown on the latest, completed assessment-roll of the Town; and

WHEREAS, the petition was otherwise in compliance with New York State Town Law §191; and

WHEREAS, the Albion Town Board now desires to proceed with the steps necessary by law for the formation of a proposed water district within the Town of Albion to be known as Water District No. 10; and

WHEREAS, creation of a water district is considered an Action for the purposes of the State Environmental Quality Review Act; and

NOW THEREFORE, the Town Board of the Town of Albion hereby declares itself lead agency for purposes of SEQRA review.

AND IT IS FURTHER RESOLVED, The Town Board hereby classifies the action as Unlisted because it does not meet the criteria for either a Type 1 or Type 2 action.

AND IT IS FURTHER RESOLVED, the Lead Agency will hold a public hearing on the proposed action at the Albion Town Hall on June 10, 2024 at 5:00 PM.

AND IT IS FURTHER RESOLVED, the Town Board of the Town of Albion will review any relevant submissions and comments related to the proposed action in order to make a determination of environmental significance under SEQRA.

Motion was made by Councilperson Darlene Benton and was seconded by Councilperson Sandra Bensley adopting the aforementioned resolution. Motion carried by the following vote:

Councilperson Darlene Benton, aye

Councilperson Sandra Bensley, aye

Supervisor Richard Remley, aye

Councilperson Terry Wilbert, absent

Councilperson Arnold Allen, absent

Supervisor Richard Remley: I need a resolution to send Water District #10 to the County planning board.

RESOLUTION #70 TOWN OF ALBION TOWN BOARD RESOLUTION TO REFER THE CREATION OF WATER DISTRICT NO. 10 TO THE ORLEANS COUNTY PLANNING BOARD PURSUANT TO GML 239-M

WHEREAS, on November 13, 2023, the Town Board of the Town of Albion adopted a resolution proposing to use ARPA Funds for the creation and construction of a water district within the Town of Albion covering portions of Moore Street and Butts Road; and

WHEREAS, the New York State licensed engineering firm of MRB Group Engineering, Architecture & Surveying, D.P.C. of 145 Culver Road, Rochester, New York 14620 has prepared a map and plans of said proposed water district in such manner and detail as is satisfactory to the Albion Town Board; and

WHEREAS, a petition for formation of the Town of Albion Water District No. 10 was filed with the Town of Albion Town Clerk, which petition was signed by real property owners situate within the proposed district owning at least 50% in the aggregate of the assessed valuation of all the taxable real property of the proposed district, and signed by the resident owners owning taxable real property aggregating at least 50% of the assessed valuation of all the taxable real property of the property district owned by resident owners, shown on the latest, completed assessment-roll of the Town; and

WHEREAS, the petition was otherwise in compliance with New York State Town Law §191; and

WHEREAS, the Albion Town Board now desires to proceed with the steps necessary by law for the formation of a proposed water district within the Town of Albion to be known as Water District No. 10; and

WHEREAS, portions of the proposed Water District No. 10 are within 500 feet of the boundary of a farm operation located in an agricultural district, as defined by article twenty-five-AA of the agriculture and markets law; and

WHEREAS, as part of its application, the Town Board submitted a Short Environmental Assessment Form dated May 13, 2024, and

WHEREAS, on May 13, 2024, the Town Board of the Town of Albion declared itself lead agency for purposes of SEQRA review of the proposed action, and

WHEREAS, the Town Board of the Town of Albion is required to refer any action within 500 feet of the boundary of a farm operation located in an agricultural district, as defined by article twenty-five-AA of the agriculture and markets law to the Orleans County Planning Board pursuant to GML § 239-m.

NOW, THEREFORE, the Town Board of the Town of Albion hereby refers the Action the Orleans County Planning Board for a report and recommendation thereon, a copy of which is attached hereto and made a part thereof.

AND IT IS FURTHER RESOLVED, that failure of the Orleans County Planning Board to provide said report and recommendation to the Town Board within thirty (30) days after receipt of the referral by the Town Board shall be deemed approval.

Motion was made by Councilperson Darlene Benton and was seconded by Councilperson Sandra Bensley adopting the aforementioned resolution. Motion carried by the following vote:

Councilperson Darlene Benton, aye
Supervisor Richard Remley, aye
Councilperson Arnold Allen, absent

Councilperson Sandra Bensley, aye
Councilperson Terry Wilbert, absent

Supervisor Richard Remley: I need a motion to approve a donation to the summer recreation program.

Motion was made by Councilperson Darlene Benton and was seconded by Councilperson Sandra Bensley authorizing a donation in the amount of \$400.00 to the Village summer recreation program. Motion carried by the following vote:

Councilperson Darlene Benton, aye
Supervisor Richard Remley, aye
Councilperson Arnold Allen, absent

Councilperson Sandra Bensley, aye
Councilperson Terry Wilbert, absent

Supervisor Richard Remley: I need a resolution approving the PILOT.

RESOLUTION #71

PILOT AGREEMENT WITH NY USLE ALBION LONG BRIDGE B LLC

WHEREAS Real Property Tax Law §487 exempts from taxation the increase in value to real property by reason of inclusion of a qualified solar or wind energy system or farm waste energy system unless a County, City, Town, Village or School District opts out of same, and

WHEREAS RPTL §487 also provides that a County, City, Town, Village or School District that is not acted to opt out of said exemption may require an owner of a property which includes such a system meeting the requirements for the exemption to enter into a contract for payments in lieu of taxes (hereinafter referred to as PILOT), and

WHEREAS NY USLE ALBION LONG BRIDGE B LLC has received approvals from the Albion Town Board and Albion Town Planning Board to construct a solar energy system that meets the requirements for such an exemption on a parcel of land located within the physical boundaries of the Town of Albion, and

WHEREAS the owner has submitted, or will submit to, the Assessor for the Town of Albion an RPTL §487 Application for Tax Exemption of Solar or Wind Energy Systems or Farm Waste Energy Systems demonstrating eligibility for a real property tax exemption pursuant to RPTL §487, and

WHEREAS the Orleans County Legislature, on April 23, 2024, did adopt and approve the PILOT Agreement in this matter pending approval by the Albion Town Board and the Medina Central School District.

NOW THEREFORE BE IT RESOLVED:

Section 1. The Albion Town Board does approve the PILOT in the immediate matter attached hereto and authorizes Albion Town Supervisor F. Richard Remley to execute same.

Section 2. This Resolution shall take effect immediately.

Motion was made by Councilperson Darlene Benton and was seconded by Councilperson Sandra Bensley adopting the aforementioned resolution. Motion carried by the following vote:

Councilperson Darlene Benton, aye
Supervisor Richard Remley, aye
Councilperson Arnold Allen, absent

Councilperson Sandra Bensley, aye
Councilperson Terry Wilbert, absent

Supervisor Richard Remley: I need a motion to appoint Garrett Knaak as an alternate.

Motion was made by Councilperson Darlene Benton and was seconded by Councilperson Sandra Bensley appointing Garrett Knaak as an alternate member of the planning board effective immediately. Motion carried by the following vote:

Councilperson Darlene Benton, aye
Supervisor Richard Remley, aye
Councilperson Arnold Allen, absent

Councilperson Sandra Bensley, aye
Councilperson Terry Wilbert, absent

Supervisor Richard Remley: I need a motion to enter executive session.

Motion was made by Councilperson Darlene Benton and was seconded by Councilperson Sandra Bensley authorizing executive session to discuss a litigation, a personnel matter and the fire district at 5:28 pm. Motion carried by the following vote:

Councilperson Darlene Benton, aye
Supervisor Richard Remley, aye
Councilperson Arnold Allen, absent

Councilperson Sandra Bensley, aye
Councilperson Terry Wilbert, absent

Motion to exit regular session and enter executive session made at 5:28pm

Motion made by: Darlene 2nd by: Sandra Vote: 3 yes 9 no

General up discussion on the Fire District project, codes issues at Maison Albion, and discussion of joint codes officer for the Town and Village

Discussion regarding the hiring of a part time employee for assistant to the codes department. Derick Reiner has been recommended for the position as he does the same duties for the village

Motion made to exit Executive session and re-enter Regular session at 6:13pm

Motion made by Darlene 2nd by: Sandra Vote: 3 yes 0 no

Motion made to hire Dereck Reiner as assistant to the codes department for 20 hours per week, no benefits, at \$20.00/hour

Motion made Sandra 2nd by Sandra Vote 3 yes 0 no

Motion made to adjourn at 6:29pm by Darlene 2nd by Sandra Vote 3 yes 0 no

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

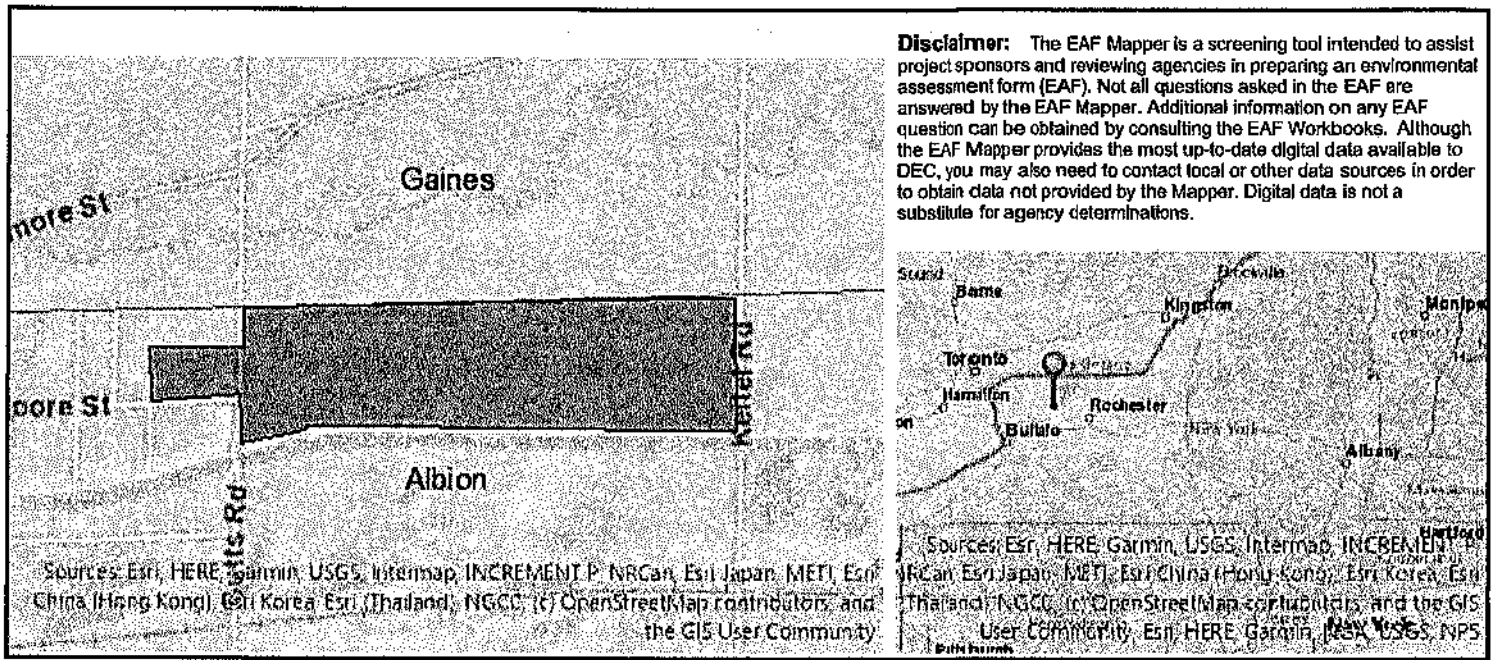
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Town of Albion - Water District No. 10			
Project Location (describe, and attach a location map): Portions of Moore Street and Butts Road, Town of Albion, Orleans County (see attached USGS Map)			
Brief Description of Proposed Action: The Town of Albion is developing plans for the creation and construction of a water district named Water District No. 10. The Town Board will act as the Lead Agency and is using funding assistance from ARPA funds to undertake the project. As currently proposed, Water District No. 10 involves the installation of approximately 1,000 feet of 6" plastic main with 3x6" valves, 2 hydrants, 6x1" water service taps, meter pit and a sample station along portions of Moore Street and Butts Road.			
Name of Applicant or Sponsor: Town of Albion		Telephone: 585-589-7048 E-Mail: supervisor@townofalbion.com	
Address: 3665 Clarendon Road			
City/PO: Albion		State: NY	Zip Code: 14411
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Orleans County Planning Board		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		+/-124.99 acres	
b. Total acreage to be physically disturbed?		1,000 feet acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		n/a acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ N/A we are bringing clean water.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Bald Eagle	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
A few years ago 5 gallons of diesel fuel on a tractor spilled out. DEC dug out the soil that was impacted and all recent soil samples are clean.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>F. Richard Remley</u> Date: <u>5/13/2024</u>		
Signature: <u>[Signature]</u> Title: <u>Supervisor</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Bald Eagle
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	Yes

**PETITION FOR THE FORMATION FO TOWN OF ALBION WATER DISTRICT NO. 10
PURSUANT TO SECTION 191 OF NEW YORK STATE TOWN LAW**

We, the undersigned, hereby petition the Town of Albion, Orleans County, New York to form a Water District No. 10, the boundaries of which are annexed hereto and incorporated by reference herein. The maximum amount proposed to be expended on the project is \$70,000, none of which will be financed.

Name	Address	Tax ID No.	2023 Assessed Value	Signature	Date
Mitchell A. Kirby	3461 Butts Rd. Albion, NY 14411	74.-1-1.1	\$196,500	<i>Mitchell Kirby</i>	4/23/24
Kirby's Cider Mill, Inc.	3461 Butts Rd. Albion, NY 14411	74.-1-1.2	\$434,100	<i>Douglas Kirby</i>	4/23/24
Christopher Vogt	3452 Butts Rd. Albion, NY 14411	73.-1-2.12	\$115,100	<i>Christopher Vogt</i>	4/25/24
Irene Braley	14749 Moore St. Albion, NY 14411	73.-1-2.111	\$32,200	<i>Irene Braley</i>	4/23/24
Michael Haight Linda Haight	14738 Moore St. Albion, NY 14411	73.-1-2.112	\$88,700	<i>Michael Haight</i>	4-23-24
Dean Covis Tina Covis	14733 Moore St. Albion, NY 14411	73.-1-2.113	\$185,300	<i>Tina M. Covis</i>	4-23-24
Irene Braley	14749 Moore St. Albion, NY 14411	73.-1-2.2	\$126,600	<i>Irene Braley</i>	4/23/24
Irene Braley	14749 Moore St. Albion, NY 14411	73.-1-2.13	\$19,500	<i>Irene Braley</i>	4/23/24

Witness Statement: I Michael Neident, state as follows: I am over the age of 18 years and now reside at 212 East Ave Albion, NY in the Town of Albion, Orleans County and State of New York, with the boundaries of the proposed Water District set forth in the annexed Exhibit A. Each of the owners of taxable real property located within the boundaries of the proposed district whose names are subscribed to this petition sheet, containing 8 signatures, subscribed their name in my presence. I understand that this statement will be accepted for all purposes as the equivalent of an affidavit, and if it contains a material false statement, shall be subject me to the same penalties as if I had been duly sworn.

Michael Neident 4/25/2024
Signature Date

RECEIVED MAY - 6 2024 -- *sent*
From Highway Superintendent
Neident.

**PETITION FOR THE FORMATION OF TOWN OF ALBION WATER DISTRICT NO. 10
PURSUANT TO SECTION 191 OF NEW YORK STATE TOWN LAW**

Schedule A

**Boundary Description of Proposed Albion Water District No. 10
Albion Water District No. 10**

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Albion, County of Orleans and State of New York, designated as Albion Water District No. 10 and as delineated on a map prepared by MRB Group Engineering, Architecture & Surveying, D.P.C. dated April 2024, entitled "District Map and Plan" (Project No. 0103.23001) and being more particularly bounded and described as follows:

BEGINNING at a point on the westerly right-of-way of Butts Road, said point being located at coordinates North 1,185,001'± and East 1,259,468'± at the northeast corner of Tax Map Parcel (TMP) 73.-1-2.2, said point being the Point of Beginning (POB) of Albion Water District No. 10; thence

1. Westerly 733'±, along the northern boundary of said TMP 73.-1-2.2 to the northwestern corner of said TMP; thence
2. Southerly 516'±, along the western boundary of TMP 73.-1-2.2 and continuing across the Moore Street right of way to a point on the northwest corner of TMP 73.-1-2.112; thence
3. Southerly 390'±, along the western boundary of TMP 73.-1-2.112 to the southwest corner of said TMP; thence
4. Easterly 810'± along the southern boundaries of TMP 73.-1-2.112, TMP 73.-1-2.11 and TMP 73.-1-2.12, to the southeast corner of said TMP 73.-1-2.12; thence
5. Southerly 152'± along the western boundary of the Butts Road right of way; thence
6. Southeasterly 74'±, across the Butts Road right of way to a point on the southwest corner of TMP 74.-1-1.1; thence
7. Easterly 4,425' along the southern boundary of TMP 74.-1-1.1 and TMP 74.-1-1.2 to a point on the southeast corner of said TMP 74.-1-1.2; thence

**PETITION FOR THE FORMATION OF TOWN OF ALBION WATER DISTRICT NO. 10
PURSUANT TO SECTION 191 OF NEW YORK STATE TOWN LAW**

8. Continuing easterly 25'± to a point on the centerline of Keitel Road; thence
9. Northerly 1,236'± along the centerline of Keitel Road; thence
10. Westerly 32'± to the northeast corner of TMP 74.-1-1.2; thence
11. Westerly 4,325'± along the northern boundary of TMP 74.-1-1.2 to the northwest corner of TMP 74.-1-1.2; thence
12. Continuing westerly 32'± to a point on the centerline of Butts Road; thence
13. Southerly 345'± along the centerline of Butts Road; thence
14. Westerly 32'±, to the northeast corner of TMP 73.-1-2.2, said location being the point and place of beginning of Albion Water District No. 10.

HEREBY INTENDING TO DESCRIBE IN ITS ENTIRETY, the parcel of land situated in the Town of Albion, Orleans County, New York to be known and identified as the Albion Water District No. 10.

Agreement for the Expenditure of Highway Moneys

AGREEMENT between the Town Superintendent of the Town of Albion, Orleans County, New York, and the undersigned members of the Town Board.

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

1. GENERAL REPAIRS. The sum of \$245,643.00 shall be set aside to be expended for primary work and general repairs upon 2.0 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or renewals thereof.

2. PERMANENT IMPROVEMENTS. The following sums shall be set aside to be expended for the permanent improvement of Town highways:

(a) On the road (Gaines Basin) commencing at NY RT 31 and leading to Albion Eagle Harbor Road, a distance of One (1) mile(s), there shall be expended not over the sum of \$126,000.00.

Type	Cold In Place Recycling (CIPR) and Chip seal
Width of traveled surface	22'
Thickness	4"

(b) On the road (Tuthill) commencing at NY RT 31 and leading to Holley Rd, a distance of 0.78 mile(s), there shall be expended not over the sum of \$100,000.00.

Type	Milling and Paving
Width of traveled surface	22'
Thickness	1.5"

(c) Various culvert pipe replacements, there shall be expended not over the sum of \$12,000.00.

Type	Culvert pipe Replacement
------	--------------------------

Executed in duplicate this 13th day of May, 2024

P. Keefling
Supervisor

Councilman

James J. Bready
Councilman

Councilman

Harold Bents
Councilman

Councilman

[Signature]
County Superintendent of Highways

Michael M. Mest
Town Superintendent of Highways

Note: This agreement should be signed in duplicate by a majority of the members of the Town Board and by the Town Superintendent. Both copies must be approved by the County Superintendent. One copy must be filed in the Town Clerk's office and one in the County Superintendent's office. COPIES DO NOT HAVE TO BE FILED IN ALBANY.

TOWN OF ALBION

Code Enforcement Office

3665 Clarendon Road

Albion, New York 14411

Tel: 585-589-7048 ext. 15

Code Enforcement Report for April 2024

Permits Issued (1) Total value of construction reported 12500.

8 Inquiries from realtors, attorneys, appraisers

Missed last board meeting

Helped Doug Bower fix Employer toilet. Had to rebuild the wall cause the new part Stuck out 3 ½ inches farther than the old one. Pulled off the wall.

10 Construction progress inspections

0 Complaints received

Several foil request about properties and the proposed solar Farm on Riches Corners

Several conversations with town Attorney and engineers about solar projects

1 Public Hearing

1 Planning Board meeting

1 C OF O Given (Bidleman Chevy)

Walmart is proposing an addition on their building

Worked with County with where projects are for reassessment purposes

Village of Albion

Incorporated Since 1828

35 – 37 East Bank Street
Albion NY, 14411
Phone: 585-589-9176 * Fax: 585-589-1218

Mayor – Angel Javier Jr.
Deputy Mayor – Joyce Riley
Trustee – Greg Bennett
Trustee – William Gabalski
Trustee – Tim McMurray
Clerk/Treasurer – Tracy VanSkiver
Village Attorney – John C. Gavenda

April 11, 2024

Town of Albion
3665 Clarendon Rd
Albion, NY 14411

Re: Agreement for Sale of Surplus water

Please be informed the Village of Albion will increase the water rate to your municipality.

Pursuant to the Agreement for the Sale of Surplus water, your municipality has three (3) months to provide written notice to the Village of Albion for the opportunity to review the basis and/or justification of the increase in the water rate.

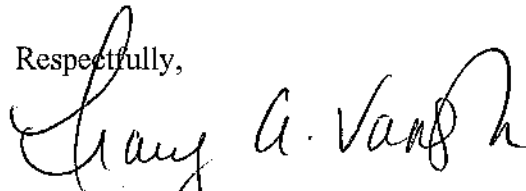
The last increase in water price was in July 2023.

The new rate of \$3.57 per 1,000 gallons of water will take effect in the usage for the months of July through September 2024 billing cycle. You will be prorated from July 1 – July 10th.

We are continuing to make significant capital investment in our water infrastructure in order to ensure that our community will continue to enjoy the benefits of safe and efficient drinking water systems well into the future.

If you have any questions regarding this matter, please contact the Village office.

Respectfully,



Tracy A VanSkiver
Clerk-Treasurer
Village of Albion
(585) 589-9176 ext. 104

Village of Albion

Incorporated Since 1828

35 – 37 East Bank Street
Albion NY, 14411
Phone: 585-589-9176 * Fax: 585-589-1218

Mayor – Angel Javier Jr.

Deputy Mayor – Joyce Riley

Trustee – William Gabalski

Trustee – Gregory Bennett

Trustee – Tim McMurray

Clerk/Treasurer – Tracy Van Skiver

Village Attorney – John C. Gavenda

May 1, 2024

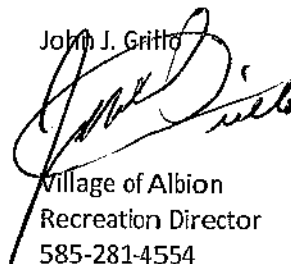
Dear Town Supervisor,

I am writing to you to ask for a donation to the Village of Albion Summer Recreation Program that we conduct for six weeks starting on Monday, June 14th. We are seeking donations to assist with nutritional needs, and short excursions that require transportation and entrance fees along with supplementing athletic or craft activities for the children who attend each day. Our program is conducted Monday through Friday from 10:00am to 2:00pm throughout the summer. Our attendance is close to 100 children from the Village of Albion and the surrounding Townships each day. We had a record-breaking year in 2023 with the most children registered.

We work in conjunction with the Masons of Albion and with the Royal Body Ministries for snacks and water each day. We are reaching out to Foodlink for additional services. Many children come to the Park Program without breakfast or lunch. It is our goal to not have any child go hungry and yet provide a meaningful experience of their surroundings through activities available in the community.

We are kindly asking each Township to consider a donation to help defray the growing cost to provide nutrition and activities for our children. Your donation of \$300.00 to \$500.00 dollars will help keep this program vibrant. At the end of each season, the Recreation Department will send you an accounting of how money was spent during the program. The Village will not use funds to pay for employees or maintenance of park grounds and related supplies. Please feel free to reach out to me if you have any questions. Donations can be made to the Village of Albion Recreation Department. Thank you kindly for your consideration,

John J. Grillo



Village of Albion
Recreation Director
585-281-4554

PAYMENT IN LIEU OF TAXES AGREEMENT
FOR SOLAR ENERGY SYSTEMS

among

Town of Albion,

County of Orleans,

Medina Central School District

and

NY USLE Albion Long Bridge B LLC

Dated as of _____, 2024

RELATING TO THE PREMISES LOCATED AT
12795 ROUTE 31 WEST (TAX MAP NO. 71-1-61.1)
IN THE TOWN OF ALBION, COUNTY OF ORLEANS, STATE OF NEW YORK

PAYMENT IN LIEU OF TAXES AGREEMENT

FOR SOLAR ENERGY SYSTEM PURSUANT TO REAL PROPERTY TAX LAW § 487

THIS AGREEMENT FOR PAYMENT IN LIEU OF TAXES FOR REAL PROPERTY ("Agreement"), effective as of the date on the cover page (the "Effective Date"), above, by and between **NY USLE ALBION LONG BRIDGE B LLC**, a New York limited liability company, with a principal place of business located at c/o Aspen Power Partners LLC, 100 Crescent Ct., Suite 700, Dallas, TX 75201 (the "Company") the **Town of Albion** (the "Town"), a municipal corporation duly established with a principal place of business at 3665 Clarendon Rd, Albion, NY 14411; **MEDINA CENTRAL SCHOOL DISTRICT** (the "School District"), a central school district duly established with a principal place of business at 1 Mustang Drive, Medina, NY 14103; and the **COUNTY OF ORLEANS** (the "County"), a municipal corporation duly established with a principal place of business at County of Orleans, 14016 Route 31 West, Albion, NY 14411.

The Town, County and School District are hereinafter referred to as the "Taxing Jurisdictions." The Company and Taxing Jurisdictions are collectively referred to in this Agreement as the "Parties" and are individually referred to as a "Party."

RECITALS

WHEREAS, Company has submitted a Notice of Intent to the Taxing Jurisdiction that it plans to build and operate a "Solar Energy System" as defined in New York Real Property Tax Law ("RPTL") Section 487(1)(b) with an expected nameplate capacity ("Capacity") of approximately two and a quarter (2.25) Megawatts AC, as measured at the inverter with potential associated energy storage systems (herein the "Project") on a parcel of land located within the Town of Albion at 12795 Route 31 West (Tax Map No. 71-1-61.1) (herein the "Land"); and

WHEREAS, the Land comprises 62.6 acres, for which approximately 18.23 acres will be developed with the Project, including the setback area; and

WHEREAS, pursuant to RPTL 487(9)(a), the Taxing Jurisdictions have indicated their respective intent to require a Payment in Lieu of Taxes ("PILOT") Agreement with the Company, under which the Company (or any successor owner of the Project) will be required to make annual payments to the Taxing Jurisdictions for each year during the term of this Agreement; and

WHEREAS, the Taxing Jurisdictions have not opted out of RPTL Section 487 prior to the date a Notice of Interconnection with respect to the Project; and

WHEREAS, upon completion of the project, the Company will submit to the Assessor for the Town of Albion, a RP-487 Application for Tax Exemption of Solar or Wind Energy Systems or Farm Waste Energy Systems with respect to the Project, demonstrating its eligibility for a real property tax exemption pursuant to RPTL Section 487; and

WHEREAS, the Parties intend that, during the term of this Agreement, the assessed value of the Land will remain on the taxable portion of the assessment roll with the value of the exemption with respect to the Project, computed pursuant to subdivision two of section 487 of the

Real Property Tax Law and identified in a separate tax-exempt column of such tax rolls whereby the Company will be exempt from any statutory real property taxes for which it might otherwise be subjected under New York law with respect to the Project.

NOW THEREFORE, for and in consideration of the mutual covenants hereinafter contained, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. Representations of the Parties.

(a) The Company hereby represents, warrants, and covenants that, as of the date of this Agreement:

i. The Company is duly organized, and a validly existing limited liability company duly authorized to do business in the State of New York, has requisite authority to conduct its business as presently conducted or proposed to be conducted under this Agreement, and has full legal right, power, and authority to execute, deliver, and perform all applicable terms and provisions of this Agreement.

ii. All necessary action has been taken to authorize the Company's execution, delivery, and performance of this Agreement and this Agreement constitutes the Company's legal, valid, and binding obligation enforceable against it in accordance with its terms.

iii. None of the execution or delivery of this Agreement, the performance of the obligations in connection with the transactions contemplated hereby, or the fulfillment of the terms and conditions hereof will (A) conflict with or violate any provision of the Company's Certificate of Incorporation, Certificate of Formation, bylaws or other organizational documents or of any restriction or any agreement or instrument to which the Company is a party and by which it is bound; (B) conflict with, violate, or result in a breach of any applicable law, rule, regulation, or order of any court or other taxing jurisdictions or authority of government or ordinance of the State or any political subdivision thereof; or (C) conflict with, violate, or result in a breach of or constitute a default under or result in the imposition or creation of any mortgage, pledge, lien, security interest, or other encumbrance under this Agreement or under any term or condition of any mortgage, indenture, or any other agreement or instrument to which it is a party or by which it or any of the Company's properties or assets are bound.

iv. There is no action, suit, or proceeding, at law or in equity, or official investigation before or by any government authority pending or, to its knowledge, threatened against the Company, wherein an anticipated decision, ruling, or finding would result in a material adverse effect on the Company's ability to perform its obligations under this Agreement or on the validity or enforceability of this Agreement.

(b) The Taxing Jurisdictions hereby represent, warrant, and covenant that, as of the date of this Agreement:

i. The Taxing Jurisdictions are each duly organized, validly existing, and in good standing under the laws of the State of New York and have full legal right, power, and authority to execute, deliver, and perform all applicable terms and provisions of this Agreement;

ii. All necessary action has been taken to authorize the respective Taxing Jurisdictions' execution, delivery, and performance of this Agreement, and this Agreement constitutes a legal, valid, and binding obligation enforceable against it in accordance with its terms; and

iii. No governmental approval by or with any government authority is required for the valid execution, delivery, and performance under this Agreement by the Taxing Jurisdiction except such as has been duly or will be obtained or made.

iv. There is no action, suit, or proceeding, at law or in equity, or official investigation before or by any government authority pending or, to its knowledge, threatened against the Taxing Jurisdictions, wherein an anticipated decision, ruling, or finding would result in a material adverse effect on the Taxing Jurisdictions' ability to perform its obligations under this Agreement or on the validity or enforceability of this Agreement.

2. Tax Exemption; Payment in Lieu of Real Property Taxes.

(a) Tax-Exempt Status of the Project Facility. It is the intent of the Parties that, pursuant to RPTL 487, the Project shall be identified as exempt upon the assessment rolls of the Town of Albion. A Real Property Tax Exemption Form (RP 487) has or will be filed by the Company with the town assessor ("Assessor"). Upon acceptance by the Assessor, the Project shall be eligible for an exemption pursuant to RPTL Section 487, which shall render the Project Improvements and Land exempt from real property taxes otherwise payable to the Taxing Jurisdictions.

(b) Company agrees to make annual payments to the Taxing Jurisdictions in lieu of real property taxes for the Project for a period of fifteen (15) consecutive fiscal tax years (the "Term") in the amounts set forth in Exhibit A to this Agreement ("Annual Payments"), which collectively equate to \$7,000 per megawatt AC with a 2% annual escalator, divided in thirds as such amount may be adjusted according to Section 3 and Section 4, herein. Notwithstanding the foregoing, the School District has elected to receive a portion of its share of the Annual Payments pursuant to that certain Education Contribution Agreement by and between the Company and the School District dated as of the Effective Date (the "ECA"). Notwithstanding anything in this agreement to the contrary, no Annual Payment will exceed the amounts that would otherwise be payable to any Taxing Jurisdiction but for the RPTL 487 exemption. The Term shall begin with the first applicable tax year of the Town following the taxable status date (March 1 of such year) for which a Real Property Tax Exemption Form (RP-487) was filed with the Assessor (the "Commencement Date"), and shall end with the fifteenth fiscal year following such fiscal year the exemption first became effective.

(c) The Company agrees that the payments in lieu of taxes under this Agreement will not be reduced on account of a depreciation factor or reduction in the Taxing Jurisdictions' tax rate, and the Taxing Jurisdictions agrees that the payments in lieu of taxes will not be increased on account of an inflation factor or increase in the Taxing Jurisdictions' tax rate, all of which factors have been considered in arriving at the payment amounts reflected in this Agreement.

3. Change in Capacity at Mechanical Completion: Adjustments to Payments. To the extent that the Capacity of the Project is more or less than the two and a quarter (2.25) Megawatts AC on the date when the Project is mechanically complete and Company has commenced production of electricity, the Annual Payments will be increased or decreased on a pro rata basis.

4. Change in Capacity After Mechanical Completion: Adjustments to Payments. If after the Completion Date, but during the Term of this Agreement, the Capacity is increased or decreased as a result of the replacement or upgrade or partial removal or retirement of existing Project equipment or property or the addition of new Project equipment or property, the Annual Payments shall be increased or decreased on a pro rata basis for the remaining years of the Agreement.

5. Payment Collection. The Company will be responsible for making Annual Payments to the Taxing Jurisdictions in accordance with this Section 5 and Exhibit A of this Agreement. The Company shall send payments to the Town and County on or before January 31 of each year and acknowledges that no bill(s) will be issued by the Taxing Jurisdictions.

Payments to the Town shall be made payable to the Town of Albion and mailed to:

Town of Albion
3665 Clarendon Road
Albion, NY 14411
Attn: Town Supervisor

Payments to the County shall be made payable to the County Treasurer and mailed to:

County of Orleans
34 East Park Street
Albion, New York 14411
Attn: County Treasurer

Payments to the School District shall be made payable to the Medina Central School District and mailed no later than September 30 of the year the system goes into operation:

Medina Central School District
1 Mustang Drive
Medina, NY 14103
Attn: Business Administrator

6. Late Payment. All PILOT Payments are due to the Taxing Jurisdictions on or before such dates, as stated in Section 5 above. The Company acknowledges no bills will be issued

by the Taxing Jurisdictions. Annual Payments not made to the Taxing Jurisdictions when due each year shall be subject to the same interest and penalties as unpaid real property taxes.

7. Transfer or Assignment. Except as set forth in this Section 7, this Agreement may not be assigned or transferred by the Company without the prior written consent of the Taxing Jurisdictions and such consent may not be unreasonably withheld, conditioned, or delayed. The Company may, without the advance written consent of the Taxing Jurisdictions, assign its obligations under this Agreement to (A) an affiliate of the Company or (B) to an institutional lender providing financing to Company for the construction, operation, and/or maintenance of the Project. If the Company is permitted to otherwise assign this Agreement with the advance written consent of the Taxing Jurisdictions, the Company shall be released from all obligations under this Agreement upon assumption thereof by the assignee, provided that the Company, as a condition of such assignment or transfer and to the reasonable satisfaction of the Taxing Jurisdictions, cure any defaults and satisfy all liabilities arising under this Agreement prior to the date of such assignment or transfer, and the assignee agrees in writing to accept all obligations of the Company. Any assignment or transfer in violation of this Agreement shall be null and void.

8. Removal. The Company shall secure financial security in a form and amount sufficient to the Town's satisfaction to cover the expense of the removal of the Project at the conclusion of the Project's operations.

9. Statement of Good Faith. The Parties agree that the payment obligations established by this Agreement have been negotiated in good faith in recognition of and with due consideration of the full and fair taxable value of the Project.

10. Additional Documentation and Actions. Subject to applicable laws and regulations, each Party will, from time-to-time hereafter, execute and deliver or cause to be executed and delivered, such reasonable additional instruments and documents as the other Party reasonably requests for the purpose of implementing or effectuating the provisions of this Agreement.

11. Notices. All notices under this Agreement shall be in writing and will be deemed delivered upon the next business day after being deposited with a nationally recognized overnight courier service, electronic delivery (delivery receipt requested), or the second business day after being deposited in the United States Mail, postage prepaid, certified mail, return receipt requested. Such notices shall be addressed or delivered to the Parties at their respective addresses shown below.

If to Company:

NY USLE Albion Long Bridge B LLC
c/o Aspen Power Partners LLC
100 Crescent Ct., Suite 700
Dallas, TX 75201
Attn: General Counsel
Email: notices@aspENpower.com

If to Town:

Town of Albion
3665 Clarendon Road
Albion, NY 14411
Attn: Town Supervisor

If to County:

County of Orleans
34 East Park Street
Albion, New York 14411
Attn: County Treasurer

If to School District:

Medina Central School District
1 Mustang Drive
Medina, NY 14103
Attn: Business Administrator

Any such addresses for the giving of notices may be changed by either Party by giving written notice as provided above to the other Party. Notice given by counsel to a Party shall be effective as notice from such Party.

12. Termination Rights of the Company. Company may terminate this Agreement at any time by notice to the Taxing Jurisdictions. Upon receipt of the notice of termination, the Project shall be identified as taxable on the tax roll effective on the next taxable status date of the Town of Albion, provided such date is not less than one hundred and twenty (120) days prior to such taxable status date. The Company shall be liable for all PILOT payments due hereunder in the year of termination, except that if Company is required to pay any part-year real property taxes, the PILOT payment for that year shall be reduced pro rata so that the Company is not required to pay both PILOT payments and real property taxes for any period of time.

13. Termination Rights of Taxing Jurisdictions. Notwithstanding anything to the contrary in this Agreement, the Taxing Jurisdictions may terminate this Agreement on sixty (60) days written notice to Company if:

(a) Company fails to make timely payments required under this Agreement, unless such payment is received by the Taxing Jurisdictions within the 60-day notice period; or

(b) The Company has filed or has had filed against it, a petition in Bankruptcy, or is otherwise insolvent.

14. Maintenance and Repair. The Company shall maintain the Project in good repair and condition during the Term of this Agreement.

15. Miscellaneous.

(a) Binding Effect. This Agreement shall inure to the benefit of, and shall be binding upon, the Taxing Jurisdictions, the Company and their respective successors and assigns.

(b) Applicable Law. This Agreement will be made and interpreted in accordance with the laws of the State of New York. Company and the Taxing Jurisdictions each consent to the jurisdiction of the New York Courts, Orleans County. In the event of any litigation arising under or in connection with this Lease, proper venue shall be Orleans County, New York.

(c) Damage or Destruction. In the event that all or substantially all of the Project shall be damaged or destroyed as of the taxable status date, then the PILOT Payments for such School Year shall not exceed such amount as would result from taxes levied on the Project (as damaged or destroyed).

(d) No Waiver. The failure or delay of either Party to insist, in any one or more instances, upon the strict performance of any one or more of the obligations of this Agreement, or to exercise any election contained herein, shall not be construed as a waiver or relinquishment at the time for the future of the performance of such one or more obligations of this Agreement or of the right to exercise such election.

(e) Entire Agreement. The Parties agree that this is the entire Agreement between them with respect to payments in lieu of taxes for the Project. This Agreement may not be amended or modified except in writing and executed by both Parties.

(f) Severability. If any provision of this Agreement shall for any reason be held or adjudged to be invalid or illegal or unenforceable by any court of competent jurisdiction, such provision so adjudged invalid, illegal or unenforceable shall be deemed separate, distinct and independent and the remainder of this Agreement shall be and remain in full force and effect and shall not be invalidated or rendered illegal or unenforceable or otherwise affected by such holding or adjudication.

(g) Counterparts. This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

(h) Filing. The Company shall file copies of this Agreement within thirty (30) days after the execution hereof by the Parties with the New York State Office of Real Property Tax Services and the Assessor for the Town of Albion.

(i) Recitals. The recitals set forth in the beginning of this Agreement are hereby incorporated by reference.

(Remainder of page intentionally left blank)

[Signature Page to Payment-in-Lieu-of-Taxes Agreement]

Executed by the undersigned as of the day and year first written above, each of whom represents that it is fully and duly authorized to act on behalf of and bind its principals

NY USLE ALBION LONG BRIDGE B LLC

By: _____
Name:
Title:

TOWN OF ALBION

By: _____
Name:
Title:

MEDINA CENTRAL SCHOOL DISTRICT

By: _____
Name:
Title:

ORLEANS COUNTY

By: *William Eick*
Name: William Eick
Title: Vice Chairman

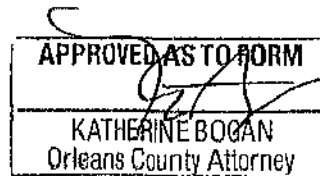


EXHIBIT A

Operating Year	Town	County	School District
Year 1	\$5,250	\$5,250	\$500
Year 2	\$5,355	\$5,355	\$500
Year 3	\$5,462	\$5,462	\$500
Year 4	\$5,571	\$5,571	\$500
Year 5	\$5,683	\$5,683	\$500
Year 6	\$5,796	\$5,796	\$500
Year 7	\$5,912	\$5,912	\$500
Year 8	\$6,031	\$6,031	\$500
Year 9	\$6,151	\$6,151	\$500
Year 10	\$6,274	\$6,274	\$500
Year 11	\$6,400	\$6,400	\$500
Year 12	\$6,528	\$6,528	\$500
Year 13	\$6,658	\$6,658	\$500
Year 14	\$6,791	\$6,791	\$500
Year 15	\$6,927	\$6,927	\$500
Total:	\$90,790	\$90,790	\$7,500

Account#	Account Description	Fee Description	Qty	Local Share	
A1255	Conservation	Conservation	1	0.28	
	Marr. Lic.	Marriage Licensing Fee	1	17.50	
	Misc. Fees	Cert. Copies - Death	51	510.00	
		Cert. Copies - Marriage	7	70.00	
		Sub-Total:		\$597.78	
A2544	Dog Licensing	Female, Spayed	7	63.00	
		Female, Unspayed	7	119.00	
		Male, Neutered	15	135.00	
		Male, Unneutered	6	102.00	
	Sub-Total:		\$419.00		
B1560	Building Permits	Building Permits	1	100.00	
		Sub-Total:		\$100.00	
Total Local Shares Remitted:				\$1,116.78	
Amount paid to: NYS Ag. & Markets for spay/neuter program				61.00	
Amount paid to: NYS Environmental Conservation				4.72	
Amount paid to: State Health Dept. For Marriage Licenses				22.50	
Total State, County & Local Revenues:		\$1,205.00	Total Non-Local Revenues:		\$88.22

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Sarah M. Basinait, Town Clerk, Town of Albion during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

Supervisor

Date

Town Clerk

Date

Town of Albion - 2024-05-13 - Abstract of Claims										
#	Claimant	AA	BB	DA	DB	Water	Sewer	Amount	Date	Ck#
165	Univera	9060.8	9060.8	9060.8	9060.8			\$718.45	AutoPay	
166	MVP	9060.8	9060.8	9060.8	9060.8			\$9,642.41	AutoPay	
167	CSEA	9060.8	9060.8	9060.8	9060.8			\$140.98	AutoPay	
168	Village of Albion	1620.4					8130.4	\$10,477.71	5/14/2024	4864
169	Maria Dysard	1110.4						\$88.50	5/14/2024	4850
170	Shelter Point	9055.8	9055.8	9055.8	9055.8			\$44.55	AutoPay	
171	Albion Agencies	1910.4						\$170.00	5/14/2024	4835
172	Orleans Cnty Elections	1450.4						\$6,471.79	5/14/2024	4853
173	Town of Barre					8320.4		\$53,201.36	5/14/2024	4862
174	Jesus Barberia	1110.403						\$521.22	5/14/2024	4837
175	James Lyons	1110.403						\$220.00	5/14/2024	4849
176	Joan Weet	1110.404						\$120.00	5/14/2024	4866
177	Forbes Court Reporting	1110.404						\$660.00	5/14/2024	4845
178	Pitney Bowes Financial	1620.4						\$279.42	AutoPay	
179	NYSEG	1620.4					8130.4	\$544.07	AutoPay	
180	Batavia Newspapers	1010.4						\$458.57	5/14/2024	4839
181	COP Security	1110.4						\$2,831.50	5/14/2024	4844
182	James Bell		1420.4					\$2,083.33	5/14/2024	4840
183	Save Time Cleaning	1620.4						\$801.00	5/14/2024	4858
184	Clearfly	1620.4						\$137.98	AutoPay	
185	Charter Communications	1620.4						\$214.97	AutoPay	
186	WEX Bank			5142.4, 5148.4				\$585.86	5/14/2024	4867
187	Albion Ace Hardware	1620.4		5130.4				\$306.09	5/14/2024	4834
188	Running supply			5130.4				\$683.52	5/14/2024	4857
189	MRB Group	1620.4						\$1,098.60	5/14/2024	4851
190	Regional Distributors	1620.4						\$532.71	5/14/2024	4856
191	H & S Fence	1620.4						\$875.00	5/14/2024	4846
192	Barre Stone Products					5110.4		\$218.03	5/14/2024	4838
193	Team EJP					8340.4		\$135.00	5/14/2024	4861
194	Bentley Bros			5130.4				\$115.55	5/14/2024	4841
								\$94,378.17		

