

MINUTES OF THE PUBLIC HEARING HELD ON THURSDAY, OCTOBER 28, 2021 AT 6:00 P.M. AT THE FORT ANN TOWN HALL

PRESENT: Supervisor Samuel J. Hall
Councilman Michael Sexton
Councilman George F. Smith
Councilwoman Gretchen Stark
Councilwoman Deborah Witherell

OTHERS PRESENT: Barbara Winchell, Town Clerk, Helen Denno, Budget Officer, Jennifer Jackson, Clerk to the Supervisor, Jeff Meyer, Attorney for the Town, Rick Dumas, Mike Gould, Rob Ladd, Floyd Ladd, Mary Davis, Paul Skarka, Casella Organics

Meeting was called to order at 6:04 p.m. with the Pledge of Allegiance to the Flag.

This meeting was published in the Post Star October 18, 2021.

Paul Skarka, Casella Organics, spoke at tonight's meeting with regard to recent discussions concerning a fertilizer product that is marketed by Casella Organics, was sold to a local farm, and has been utilized in the Town of Fort Ann. Mr. Skarka distributed a one page letter addressed to the Town of Fort Ann Enforcement Officer and copies given to the Fort Ann Town Board. "Earthlife Fertilizer is a commonly used biosolids fertilizer product that provides a cost-effective, slow-release alternative to conventional commercial agricultural fertilizers. The product provides the release of crop nutrients throughout the growing season and, because of its organic matter content, improves the soils' moisture and nutrient holding abilities. Farmers routinely comment on significant improvement on crop yields after adding earthlife Fertilizer to their fertilization program.

With respect to the use of earthlife Fertilizer (Quincy, MA) in Ft. Ann, this product has received approval for distribution and use in New York from the NYSDEC. This approval was documented in a Beneficial Use Determination (BUD) issued by the NYSDEC on 2/28/2017 and this approval is valid for five (5) years from date of issuance. This fertilizer is not infectious or hazardous waste, sewage sludge, materials from a compost facility, or waste derived from any of these materials. In fact, it is specifically exempted from the definition of waste under New York State law. The rule excluding biosolids from being defined as solid waste was located at Part 360-1.15(b)(2) of the State's environmental regulations (at the time the BUD was issued). The NYSDEC Part 360 environmental rules have since been revised and that exclusion is now found in Chapter IV – Quality Services, Subchapter B: Solid Waste, Part 360 Solid Waste Management Facilities General Requirements, Section 360.12 Beneficial Use (6 CRR-NY 360.12). The potential for pathogens being present in this material is eliminated through the process by which it is treated. Through high temperature drying, the product has a solids content of 94%; this qualifies the material as a Class A biosolids fertilizer.

Generally speaking, the use of biosolids fertilizers in farming is considered to be a normal and/or accepted agricultural practice as defined by NYS Ag & Markets in its Subsection 305-a(1) regulations, commonly referred to as the "Right to Farm" law. Specifically, use of earthlife Fertilizer is accepted for use and is a registered fertilizer through the NYS Ag & Markets.

This fertilizer is fully approved for use in agricultural areas in New York. The material does not meet any of the descriptions or definitions contained in the June 10, 2021 Fort Ann Notice of Violation. Those

descriptions or definitions are from Local Law #2 of 1990, Section 3. Per NYS law definitions biosolids are excluded from the definition of waste.”

Councilwoman Witherell asked if it would be Casella Organics to make sure the product was spread timely. Mr. Skarka said it would be Casella Organics that would issue a penalty and or remove the product from the customer if not spread timely.

Mr. Skarka said this product is tested every Wednesday to meet federal regulations from a liability standpoint.

Councilman Sexton asked about commercial use and Mr. Skarka said this product is used on turf fields across Virginia and Pennsylvania.

Supervisor Hall verified that the Enforcement Officer just needs to contact Mr. Skara with any issues/concerns.

6:29 p.m. Supervisor Hall thanked Mr. Skarka for his time and information.

6:30 p.m. Supervisor Hall opened up public hearing for 2022 budget. Supervisor Hall asked the Budget Officer if there was anything she'd like to add about 2022 budget. She said that the 2022 budget is under the cap by \$16,587.00 with the revisions that were made from the 1st budget workshop.

1.1 open Public Hearing for 2022 budget: Supervisor Hall asked if anyone had anything to say at 6:30 p.m. there was no response so he closed the public hearing at 6:31 p.m. without comment.

1.2 2022 Pilot Knob Volunteer Firefighters Assoc., Inc. \$88,200.00 (contract) Public Hearing opened at 6:31 p.m. The Pilot Knob Volunteer Firefighters Assoc., Inc. closed at 6:31 p.m. without comment.

1.3 2022 Fort Ann Volunteer Fire Company \$199,390.00 (contract) Public Hearing opened at 6:31 p.m. The Fort Ann Volunteer Fire Company public hearing closed at 6:32 p.m. without comment.

1.4 2022 West Fort Ann Volunteer Fire Company \$237,884.00 (contract) Public Hearing opened at 6:32 p.m. Floyd Ladd asked about the status of the truck purchase. Supervisor Hall said it will be discussed during resolution portion of the meeting. Supervisor Hall stated that this will be discussed in the resolution to approve tax exempt financing but as long as Mr. Ladd brought it up now Supervisor Hall stated during the first quarter of 2022 federal grants will have to be applied for. Mr. Ladd said he can't currently ask for grants. Mr. Ladd stated none of the basic fire reports have been filed is the primary issue for not being able to apply for federal grants as well as he was just elected chief and currently has no passwords or access to the sites in order to put information into the state system. He is looking at about four (4) hours of training when previous chief (Mitch Beck) has an opportunity to train him next week. Mr. Ladd stated WFA has two (2) separate websites because they have EMS & Fire. Mr. Ladd stated he only has two (2) officers at this time and they lack the necessary training. Once Mr. Ladd has received the training from Mr. Beck he will then train the two (2) officers. Mr. Ladd said he can fight fires but unable to do administration/office work at this time. Mr. Ladd stated once you purchase a truck it can't be refinanced or part of grant process. Supervisor Hall asked Mr. Ladd when they expect the truck to be delivered. Mr. Ladd said they are expecting to receive the truck around Christmas. Supervisor Hall was surprised by this because he thought the salesman said summer of 2022. Mr. Ladd stated Argyle's truck is being built/delivered before WFA and WFA should be delivered around

Christmas. The cash bond has been purchased for \$667,000.00. Mr. Ladd stated WFA doesn't qualify for FEMA grant because it goes by pump size. Mr. Ladd stated it goes by how many apparatus you have and according to FEMA West Fort Ann has three (3) engines but they only have two (2). Supervisor Hall asked when first payment would be due and Mr. Ladd stated July 2022.

RESOLUTION #63-2021

TO APPROVE TAX EXEMPT FINANCING FOR THE PURCHASE OF A FERRARA INFERNO ENGINE TANKER FOR THE WEST FORT ANN VOLUNTEER FIRE COMPANY, INC. PURSUANT TO SECTION 147 (f) OF THE INTERNAL REVENUE CODE

On motion of Councilwoman Witherell, seconded by Councilman Smith to accept resolution entitled "Resolution to Approve tax-exempt financing for the purchase of a Ferrara Inferno Engine Tanker for the West Fort Ann Volunteer Fire Company, Inc. Pursuant to Section 147(f) of the Internal Revenue Code."

ADOPTED AYES 3 Smith, Stark, Witherell
 NAYES 2 Sexton, Hall

RESOLVED, that the Town Board of the Town of Fort Ann Town hereby approves of the tax-exempt financing for the purchase of a Ferrara Inferno Engine Tanker being offered to the West Fort Ann Volunteer Fire Company, Inc. by KS State Bank in an amount up to \$667,370.00 and as further outlined in a financing commitment dated July 30, 2021.

1.5 2022 Fort Ann Rescue Squad \$134,301.00 (contract) Public Hearing opened at 7:17 p.m. Supervisor Hall stated this is the same amount as last year. The public hearing closed at 7:18 p.m. without comment.

Motion was made by Councilman Sexton, seconded by Councilman Smith to adjourn meeting at 7:30 p.m.

Respectfully submitted,

Barbara Winchell, Town Clerk
Town of Fort Ann, New York

Dated: November 10, 2021