

**MINUTES OF THE TOWN BOARD OF THE TOWN OF FORT EDWARD REGULAR MEETING HELD ON MONDAY, MARCH 12, 2018 AT TOWN HALL COMMENCING AT 7:00 P.M.**

Supervisor Middleton called the meeting to order at 7:00pm

Supervisor Middleton administered the Appointive Oath to newly appointed Councilwoman Jeanie Mullen (Resolution in minutes)

**PRESENT:** Supervisor Middleton  
Councilman Mercier  
Councilman Orsini  
Councilman Fisher  
Councilwoman Mullen

**OTHERS PRESENT:** Brian Brockway, Joelle West, Vicky Hayner, Katie DeGroot, Richard Belden and Town Attorney Mary-Ellen Stockwell

**APPROVAL OF MINUTES: MOTION** by Councilman Fisher, Seconded by Councilman Mercier to approve the minutes of the meeting of February 12, 2018 **ALL AYES**

**APPROVAL OF THE REPORTS: MOTION** by Councilman Orsini, Seconded by Councilman Fisher to approve the reports of Town Clerk Monthly, Town Justice, Building Inspector, Highway, Assessor & Code Enforcement/Zoning Officer **ALL AYES**

**APPROVAL OF BILLS: MOTION** by Councilman Orsini, Seconded by Councilman Mercier to approve Abstract #3 in the amount of \$55,384.64 **ALL AYES**

**ABSTRACT #3**

<b>GENERAL A: 7244-7275</b>	<b>\$16,984.43</b>
<b>GENERAL B: 7276-7282</b>	<b>\$16,571.00</b>
<b>HIGHWAY: 7283-7297</b>	<b>\$10,692.08</b>
<b>MUNICIPAL: 7298-7302</b>	<b>\$ 1,772.15</b>
<b>SPECIAL LIGHTING: 7303-7305</b>	<b>\$ 3,274.96</b>
<b>SPECIAL WATER: 7306-7313</b>	<b>\$ 1,120.64</b>
<b>SPECIAL WATER 2: 7314-7316</b>	<b>\$ 4,744.38</b>
<b>HOME 2013: 7</b>	<b>\$ 225.00</b>

**TOTAL: \$55,384.64**

**RESOLUTIONS:**

**TOWN OF FORT EDWARD  
COUNTY OF WASHINGTON, STATE OF NEW YORK**

**RESOLUTION NUMBER 14 OF 2018**

**MOTION BY COUNCILMAN ORSINI**

**SECONDED BY COUNCILMAN MERCIER**

**RESOLUTION TO SCHEDULE A PUBLIC HEARING TO REPEAL LOCAL LAW 3 OF 2008 (Codified in Chapter 6: Board of Assessment Review, Article 1: Grievance Day) to ESTABLISH THE FOURTH TUESDAY IN MAY AS THE DATE THE BOARD OF ASSESSMENT REVIEW SHALL MEET TO HEAR COMPLAINTS RELATED TO REAL PROPERTY ASSESSMENTS**

**WHEREAS** the prior Town Assessor for the Town of Fort Edward was also the Assessor in a neighboring Town and in 2008, the Town adopted a Local Law establishing the day wherein the Town of Fort Edward Board of Assessment Review usually holds their hearings (“Grievance Day”) as the first Thursday following the fourth Tuesday in May as the date the Board of Assessment Review shall meet to hear complaints related to Real Property Assessment; and

**WHEREAS** the new Town of Fort Edward Town Assessor no longer has a conflict with dates and the Town desires to rescind Local Law 3 of 2008 (Codified in Chapter 6: Board of Assessment Review, Article I Grievance Day) which modified the date of such Grievance Day and desires to establish **the FOURTH TUESDAY IN MAY as the date** as the date the Board of Assessment Review will hold their hearing (“Grievance Day”) as outlined in New York Real Property Tax Law Section 512.

**WHEREAS** the Town of Fort Edward Town Board has authority to rescind Local Law 3 of 2008 (Codified in Chapter 6: Board of Assessment Review, Article I Grievance Day) as outlined in Real Property Tax Law Section 512(1-a);

**WHEREAS**, the Board believes that it is in the best interests of the residents of the Town of Fort Edward to proceed with the review and holding of a public hearing with regard to rescinding said Local Law;

**NOW, THEREFORE, BE IT RESOLVED**, that a public hearing shall be held at 6:55 PM in Town Hall on April 9, 2018, for the purpose of hearing public comments on repealing Local Law No. 3 of 2008 (Codified in Chapter 6: Board of Assessment Review, Article I Grievance Day) and on the proposed establishment of **the fourth Tuesday in May as the date the Board of Assessment Review shall meet to hear complaints related to Real Property Assessment (“Grievance Day”)**, and be it further

**RESOLVED** that the Town Clerk is hereby authorized and directed to post and publish notice of such public hearing as required by law; and be it further

**RESOLVED** that this resolution shall take effect immediately.

DATED: March 12, 2018

Councilman Orsini- AYE  
Councilman Fisher- AYE  
Councilman Mercier- AYE  
Councilwoman Mullen - AYE  
Supervisor Middleton- AYE

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Aimee Mahoney, Town Clerk

**RESOLUTION NUMBER 15 OF 2018**

**MOTION BY COUNCILMAN ORSINI**

**SECONDED BY COUNCILMAN MERCIER**

**WHEREAS,** With the election of Councilman Terry Middleton as Town Supervisor the Town Board of the Town of Fort Edward has a vacancy on the Town Board, and

**WHEREAS,** Supervisor Middleton's Council term does not expire until December 31, 2019.

**NOW THEREFORE BE IT RESOLVED,** that the Town Board of the Town of Fort Edward does hereby appoint Jeanie Mullen to fill the unexpired Councilman term of Terry Middleton, and

**BE IT FURTHER RESOLVED,** that Jeanie Mullen will be on the ballot for the election held on November 6, 2018 to fill the unexpired term of Terry Middleton term ending December 31, 2019.

DATED: March 12, 2018

**VOTE:** Supervisor Middleton – AYE  
Councilman Orsini – AYE  
Councilman Mercier – AYE  
Councilman Fisher - AYE  
Councilwoman Mullen - ABSTAINED

**RESOLUTION NUMBER 16 OF 2018**

**MOTION BY COUNCILMAN FISHER**

**SECONDED BY COUNCILMAN ORSINI**

**WHEREAS**, State-owned lands are currently assessed by the local municipality where the State land is located, and

**WHEREAS**, Governor Andrew Cuomo is proposing to convert the local assessment of taxable State-owned land into a Payment in Lieu of Taxes (“PILOT”) program based on existing tax amounts to be increased each year by the allowable levy growth factor, and

**WHEREAS**, said payment change will result in loss of local assessment of taxable State-owned as well as loss in tax revenue to local municipalities due to changes in value not reflected in a PILOT agreement,

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Fort Edward, NY County of Washington that the assessments of taxable State-owned land should remain under control of the local municipality where such property is located and is hereby opposed to New York State converting the assessment of taxable State-owned land into a Payment in Lieu of Taxes, and

**BE IT FURTHER RESOLVED** that the Town Clerk of the Town of Fort Edward is hereby authorized to forward a copy of said Resolution to the following persons:

Governor Andrew Cuomo  
NYS Senator Elizabeth Little  
NYS Assemblyman Daniel Stec

DATED: March 12, 2018

**VOTE:** Supervisor Middleton – AYE  
Councilman Orsini – AYE  
Councilman Mercier – AYE  
Councilman Fisher - AYE  
Councilwoman Mullen - AYE

Discussion was held regarding the Introductory Local Law of Washington County regarding real property tax law providing that no exemption under Section 487 shall be applicable for the purpose of county taxation with respect to any Micro-Hydroelectric Energy System, Fuel Cell Electric Generating System, Micro-Combined Heat and Power Generating Equipment System, or Electric Energy Storage Equipment or Electric Energy Storage.

Town Assessor Vicky Hayner recommended that the Board adopt the resolution to not give the exemption.

**MOTION** by Councilman Mercier, Seconded by Councilman Fisher to set a Public Hearing for April 9, 2018 at 6:50pm to hear comments on the Introductory Local Law No. A from Washington County **ALL AYES**

## **BUSINESS:**

### **Office Cleaning Quotes**

**Supervisor Middleton:** We have 4 quotes for the cleaning of the building, 2 of them are bonded and insured as per the Village request and 2 of them are not.

- North Country Janitorial is \$650.00 per month for cleaning 2 times per week, we need clarification as to whether or not some of the items listed are extra or included in that price. (Bonded and Insured)
- All Pro Cleaning submitted a quote and we also have a police report from when they cleaned the building in the past and we do not wish to have them back. (Bonded and Insured)
- Paul Mercier submitted a quote for \$600.00 per month for 4 1/2 hours per week which includes windows/carpet cleaning and floor waxing. (not bonded or insured)
- Debra Rabine submitted a quote for \$575.00 per month. (not bonded or insured)

The Board tabled the discussion until April 9<sup>th</sup> to get clarification on the bids submitted by the Village and also for the Attorney to check into the bonding and insurance.

### **Painting of the Pool**

**Supervisor Middleton:** We received a price from Dan Carruthers for painting & patching the pool of \$2,350.00; he has been painting the pool for us for several years and has a lot of experience.

**MOTION** by Councilman Orsini, Seconded by Councilman Fisher to have Dan Carruthers paint and patch if needed the swimming pool at a price of \$2,350.00 **ALL AYES**

**Brian Brockway:** The pool director is in charge of the pool, she should be the one answering the calls from Mahoney alarms not me on the weekends. Also when the toilets are plugged over there I am not going to stop paving to plunge a toilet. These are all things that she needs to do as pool director, it is what she is paid to do.

## **PUBLIC COMMENT:**

**Katie DeGroot:** What is a Micro-Hydroelectric Energy System?

**Supervisor Middleton:** It is new technology with hydros and it's basically a hydro with a battery, it's close to a closed system but not yet. It is strictly commercial.

**Katie DeGroot:** The State is asking for a PILOT, what does that mean?

**Vicky Hayner:** It stands for payment in lieu of taxes, it is a number that the State comes up with and it is arbitrary and usually less which is typically why people do PILOTS.

**Brian Brockway:** Advocacy Days got cancelled due to the snow storm so I am not sure what we are getting for CHIPS. We have a lot of road repairs needed this year but I don't know if patching qualifies for CHIPS.

**MOTION** by Councilman Fisher, Seconded by Councilman Orsini to go into executive session to discuss pending litigation at 7:25pm **ALL AYES**

**MOTION** by Councilman Orsini, Seconded by Councilman Fisher to come out of executive session at 7:55pm **ALL AYES**

Back in regular session

### **Discussion regarding residential tax exemptions**

**Supervisor Middleton:** We have received several phone calls from residents who received letters stating that they lost their tax exemptions due to not filing by March 1<sup>st</sup>. Many of them are stating that they were told last year that they didn't have to re-file.

**Vicky Hayner:** I do give some leniency on the March 1<sup>st</sup> deadline; I will take care of the people that received letters if they bring me their income information. I do think some of the confusion lies in that when the renewal letters were sent out in November they were stamped 2019. Next year the process will be much smoother.

**Supervisor Middleton:** It was talked about in the past that 1 possible re-use of the dewatering site could be a food hub. Arnie down at the State said there was a large food manufacturer looking for a site. I e-mailed Arnie from the State, Laura Oswald who also put that site in, the Assemblywoman and the Senator that cover this area as well as every Supervisor at the County and told them that this could be both an economic boom for Fort Edward and for the County. The proposed project is approximately 400 jobs with average salary of \$65,000.00. For sewage what they were looking at was 500,000 gal/day but its brown water. It would be nice to find something to go in there.

### **ADJOURNMENT:**

**MOTION** by Councilman Fisher, Seconded by Councilman Orsini to adjourn the meeting at 8:04pm **ALL AYES**

DATED: March 14, 2018

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Aimee Mahoney, Town Clerk