

MINUTES OF THE TOWN BOARD OF THE TOWN OF FORT EDWARD REGULAR MEETING & CONTINUED PUBLIC HEARING HELD ON MONDAY, MAY 14, 2018 AT TOWN HALL COMMENCING AT 6:55 P.M.

Supervisor Middleton called the continued public hearing to order at 6:55pm

The Town Board is continuing the public hearing from April 9, 2018 to hear comments regarding proposed Local Law #1 of 2018 providing no exemption under section 487 shall be applicable for the purpose of Town 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.

PUBLIC COMMENT: None

MOTION by Councilman Mercier, Seconded by Councilman Orsini to close the public hearing at 6:58pm **ALL AYES**

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

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

OTHERS PRESENT: Brian Brockway, Vicky Hayner, Katie DeGroot, Richard Belden, Francesca Cichello, Adam Daily, Roman Daily, Gwendolyn Craig (The Post Star) and Town Attorney Mary-Ellen Stockwell

APPROVAL OF MINUTES: MOTION by Councilman Orsini, Seconded by Councilman Fisher to approve the minutes of the regular meeting of April 9, 2018 and special meeting of May 9, 2018 **ALL AYES**

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

APPROVAL OF BILLS: MOTION by Councilman Orsini, Seconded by Councilman Mercier to approve Abstract #5 in the amount of \$54,433.66 **ALL AYES**

ABSTRACT #5

GENERAL A: 7391-7392,7395-7396,7397,7401-7424	\$10,784.94
GENERAL B: 7425-7429	\$ 3,392.30
HIGHWAY: 7430-7442	\$12,471.29
MUNICIPAL: 7443-7447	\$ 1,542.50

SPECIAL LIGHTING: 7394,7398-7399	\$ 2,661.02
SPECIAL WATER: 7393,7400,7451-7456	\$20,596.23
SPECIAL WATER 2: 7448-7450	\$ 185.38
BOA 3: 3	\$ 2,800.00

TOTAL: \$54,433.66

BUSINESS:

**Paul McCarty
Town Historian**

Paul McCarty: This is the 200th Anniversary of the Town of Fort Edward having been created in 1818. The creation of the Town was done by the people in the lower end of the Town because at that time this part of the Town was mostly farmland with not too many inhabitants. The reason for the creation of the Town of Fort Edward was the fact that we really had the possibility of opening up when the Canal was built. That drove the creation as well as the farming interest in Argyle and the potential of the business interests along the Canal here in Fort Edward. Another reminder is it is also the Anniversary of Solomon Northup's return to this area and also the publication of his book. He was rescued in January of 1853 by a local Lawyer in Hudson Falls; Henry B. Northup who's grand uncle was the man who freed Solomon's father. In our archive here in the Town of Fort Edward we actually have the manumitting papers of Mintus Northup, Solomon's father who was allowed to vote here in Fort Edward in 1822 as a free man as long as he had property. He didn't have to own a physical piece of property but he had to own enough things to amount to \$100.00 or \$200.00. He at that time rented a home on Argyle St. which is where Solomon lived and actually Fort Edward is the one place where Solomon spent more of his life than any other that he would live in in the future. We believe that Mintus Northup and his wife and 2 children came here sometime around 1814 and Solomon of course was married to Ann Hampton and took up housekeeping in The Old Fort House. On Christmas Day in 1828 he was married at Cumberland Farms, the Justice of the Peace was Timothy Eddy and his house stood where Cumberland Farms is today. He only lived in The Old Fort House for about a year or two before moving on. The other interesting Anniversary is The Old Fort House this year is 65 years old having been open to the public in 1953. (Passed out newsletters) It is very difficult these days running an organization such as this. As you've taken inventory and I have been Historian I have the records of so many organizations in this Town that are gone. We are not going to be gone but we are at a low point right now in terms of membership. I do want talk to you about my office. I am the only Historian who doesn't have an office and the reason is I have been here for 43 years and in this building we had a space crunch at one time around 1978. I actually had an office upstairs, there wasn't any furniture in it but I had a room with boxes in it and 1 filing cabinet. When that was needed for court purposes they asked if I would move to the John P. Burke Research Center because there was nothing in it. I do want to point out that my colleagues, Historian of the City of Glens Falls, Historian of the Town of Queensbury, Kingsbury and Argyle all have offices. Unfortunately that's where I put my collection which is very large. The 2nd floor of the art center is all archive now, that's where we keep things. I have a lot of stuff that should be here and we have talked about the need for an archive and I feel it is

something that we need to address. This building does sit on a flood plain, our justice dockets are downstairs in the dampness and they really shouldn't be.

Councilman Orsini: Where so we stand with the Annex building at the School?

Paul McCarty: There needs to be discussions. Trustee Williams on the Village Board has talked about it. It is a really well built building, I was in it recently and its dry, and it had an alarm system in it. We have to see what is going to happen with the school district. The roof needs to be looked at and possibly replaced. There are so many needs for storage of materials. Sometime I would like to give the Board a walk around to see all of the stuff we have. We also have a lot of archeological artifacts that have been dug up with documentation. I have a large collection; we have another large collection at Rogers Island. We try to share things with Rogers Island; I do the school groups over there to help with that facility as well. Hope to see you at the party on July 12th.

Councilman Orsini: We have a nice relationship and I feel that the 2 organizations complement each other nicely.

PUBLIC COMMENT:

Francesca Cichello: My husband and son and I live at 1231 Fort Miller Rd. in Fort Edward. We have been property owners since 2006 and we pay our taxes dutifully. Much to our surprise a large and pretty unsightly mountain of gravel has been deposited in the park right next to our home. We were not notified that this was going to happen; I don't think anyone knew that the Town had decided to use the park as a storage facility. We would like to ask if there is another spot that would be more appropriate for this large pile of gravel. It does not make sense for this to be a storage area when I think the Town's wish was to have it designated as park. We would like to register our displeasure but also ask for your help in moving the large gravel pile someplace else because there may in fact be a more appropriate area.

Supervisor Middleton: I believe that was a storage spot for equipment before it was a park. That was an old mill site and equipment was kept in the building there.

Katie DeGroot: But it was made into a park with funding.

Councilman Mercier: Only part of it, it was supposed to be a ball field but it never was.

Katie DeGroot: But it wasn't designated a gravel area.

Francesca Cichello: It most certainly is a ball field; people use it every weekend and most days of the week. Children use it for a ball field and actually there are pick-up games of softball there every weekend. If the Town wishes for it to be a park then we should work to maintain it as such. Now that there is heavy machinery being driven in and out of that spot, the grass is being ripped up and the ground is rutted and mud is accumulating and it is really ruining the park area for everyone.

Supervisor Middleton: The Town does not own anything at the southern end where we can store stone like that and that is the area where we need stone like that with the dirt roads in that area.

Francesca Cichello: Well no one is maintaining our roads so I am wondering where it's going.

Supervisor Middleton: Do you live on a dirt road?

Francesca Cichello: No but the road travels down through and it doesn't seem like the gravel is being used for the immediate area.

Brian Brockway: After the last storm we put some on Anthony Rd. where it washed out. We put some on Harper Rd. where it washed out.

Katie DeGroot: What about the sand pile area?

Brian Brockway: That's not Town land; the people have just allowed us to store it there.

Katie DeGroot: It's interesting and I think Francesca has a point; there was never any communication about it.

Supervisor Middleton: Quite honestly, that is not a park, the other side is where the play gym is and to say that there are games there every weekend; I go through there quite a bit.

Brian Brockway: If there were games there every weekend then the base lines would be rutted.

Katie DeGroot: Is it a permanent decision to have that gravel there because that does seem like a change in use for the area or is it a temporary use of gravel in that area?

Brian Brockway: It's temporary until it's used up and that could be years. It was given to the Town and we tried to put it up in the old landfill property and we were not allowed to put it there because it's a brown field site.

Francesca Cichello: Where was it transported from and what's the content, children play there all the time, are you sure that it's clean fill?

Brian Brockway: Yes, that is why we weren't allowed to put it on a brown field site.

Katie DeGroot: It is my understanding that National Grid gave it to the Town. Can we think about other solutions to it? I know it was a time constraint decision right? They offered it to you and you had to find a place to put it.

Councilman Orsini: The solution is that it will be used up eventually and it's not going to be replaced unless they give more away but the job is done and gone. It is a temporary storage area and I do side with you and I would feel the same way you do. It will be used up, we have already used some with the latest storm damage and I am sure there is some damage that hasn't even

been addressed yet.

Katie DeGroot: If it was dumped in the Village of Fort Edward someplace there would be a big stink.

Supervisor Middleton: I will go down and look at it again tomorrow.

Adam Daily: There is a large concrete pad with a barbeque on it and there was a nice table and chairs there and that is the driveway for the front loader right now. I feel like the intention was for that area to be park. We feel like Fort Miller is a special place and we put a lot of time into our property. This happened like a year ago and we figured no big deal, the Town will get it out of here when they are ready but it feels like it's never going to go away now and that's why we are here.

Francesca Cichello: When it's used up can we be assured that it will not be used as a dumping ground for something else?

Supervisor Middleton: No, I'm sorry but it is Town property. I will research again but I am quite sure it is not a park, if it is a park we are going to have to post a whole lot of it. There are some open holes next to the old mill there which is why I am quite sure it is not a park.

Katie DeGroot: I am happy to help do that because my understanding is that money was actually found to fix that area. You should go down and look and see what it looks like because Fort Edward is down there too and it would be great for you to go and meet some of the people in Fort Miller.

Supervisor Middleton: We have a Town Board meeting here once a month and you are very welcome.

Councilman Orsini: I will go down tomorrow and take a look.

Katie DeGroot: I am not trying to cause trouble but I missed one meeting and I came to the next one and you were welcoming Councilwoman Mullen to the Board. I actually put in my name to be put on the Board and no one has ever gotten back to me about the Board seat being filled. I wanted to say congratulations but I do find that a little rude. I am going to run again and I am interested in being part of the Board as well as a part of the Town of Fort Edward. I feel I was owed a phone call and I didn't get it.

Supervisor Middleton: I stopped down a couple times and you weren't around but I should have called.

RESOLUTIONS:

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

Resolution Number 20 of 2018
Adopted May 14, 2018

Introduced by Supervisor Middleton
who moved its adoption.

Seconded by Councilman Fisher

RESOLUTION AUTHORIZING THE ADOPTION OF LOCAL LAW NUMBER 1 OF 2018 OF THE TOWN OF FORT EDWARD, A LOCAL LAW PURSUANT TO REAL PROPERTY TAX LAW SECTION 487(8)(a) LOCAL PROVIDING THAT NO EXEMPTION UNDER SECTION 487 SHALL BE APPLICABLE FOR THE PURPOSE OF TOWN 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

BE IT RESOLVED by the Town Board (the “Board”) of the Town of Fort Edward (the “Town”), in the County of Washington, on this 14th day of May 2018, as follows:

WHEREAS, through resolution duly adopted by the Town Board, a public hearing was scheduled to be held before the Town Board on April 9, 2018 at 6:50 p.m. and tabled and continued to remain open until May 14, 2018 at the Offices of the Town of Fort Edward, 118 Broadway, Fort Edward, New York to hear all interested parties on proposed Local Law No. 1 of 2018 of the Town of Fort Edward which amends the Real Property Tax Exemption for under Section 487 of the New York State Real Property Tax Law and shall apply to Town real property taxes in order that that no exemption under Section 487 shall be applicable for the purpose of town 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; and

WHEREAS, notice of said public hearing was duly posted and then published in the official newspaper of the Town, pursuant to and in conformance with the Municipal Home Rule Law; and

WHEREAS, said public hearing was duly held before the Town Board the 9th day of April and continued to the 14th day of May 2018 at 6:55 p.m. at the Offices of the Town of Fort Edward and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the local law.

NOW, THEREFORE BE IT

RESOLVED, the Town Board hereby finds the consideration and proposed adoption of this Local Law is an action under the New York State Environmental Quality Review Act (SEQRA). The Town Board hereby declares that this action is a Type II action pursuant to 6 NYCRR 617.5(20) and (27) and declares that the action does not have a significant impact on the environment and the action is hereby precluded from further environmental review; and be it further

RESOLVED, the Town Board, upon due deliberation of the Local Law finds that the adoption of the same is in the best interests of the Town; and be it further

RESOLVED, the Local Law provides that no exemption under Section 487 shall be applicable for the purpose of town 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; and be it further

RESOLVED, pursuant to and in accordance with the Municipal Home Rule Law, the Town Clerk is hereby directed to enter this Local Law into the minutes of this meeting and file the same with the Office of the Secretary of State of the State of New York; and be it further

RESOLVED, that in addition to filing with the Secretary of State, this local law shall be filed with the Office of Real Property Services, and an additional copy shall be provided to the President of the New York State Energy Research and Development Authority.

RESOLVED, this resolution shall take effect immediately.

Terry Middleton Supervisor	AYES	<u>5</u>
Timothy Fisher, Councilman	NAYS	<u>0</u>
Richard Mercier, Councilman	ABSTAIN	<u>0</u>
Neil Orsini, Councilman	ABSENT	<u>0</u>
Jeanie Mullen, Councilwoman		

{Seal}

Aimee Mahoney, Town Clerk
Town of Fort Edward

Highway Report

Brian Brockway: We are looking at black topping a section on Carey Rd., Glen Hill, Hunter Rd. and Moore Rd. approximately 1.8 miles of black top. The Board needs to sign off which is new with the CHIPS forms. I haven't received any estimates yet. Also, we had a PESH inspection and had no major violations. She wrote us up for not having an MSDS sheet for welding rod but I never knew there was such a thing but now I do and now we have it.

Supervisor Middleton: I know you cut a bunch of trees on Woodard Rd. after the storm; were there any other spots that were heavily damaged?

Brian Brockway: We had a tree down on Hunter Rd.; Woodard Rd. took the brunt of it. One of the residents that closed on his home 2 days before the storm has several holes in his roof and the deck is gone. The original owners still had insurance on it and they are going to cover it. We had 19 pine trees that we cleaned up out of the road once they got the power lines out of the way; it was closed for the weekend except for emergency traffic.

OTHER BUSINESS:

Set MS4 Public Hearing

MOTION by Councilman Fisher, Seconded by Councilman Orsini to set the MS4 public hearing for Monday, June 11, 2018 at 6:55pm **ALL AYES**

Lead Agency Status for BOA

Mary-Ellen Stockwell: The Town took lead agency status via resolution at the last meeting in December, 2017. I am not sure if Jim sent out lead agency letters, I will follow up with Jim.

Cleaning Services for Town & Village Offices

Supervisor Middleton: We have reviewed the quotes for cleaning and also spoke with the Village and we have decided to go with the lowest insured bidder.

MOTION by Councilman Orsini, Seconded by Councilman Fisher to hire Paul Mercier for cleaning of the Town & Village offices beginning on June 1, 2018 for a fee of \$700.00/month which includes insurance.

ROLL CALL VOTE: Supervisor Middleton – AYE, Councilman Orsini – AYE, Councilwoman Mullen – AYE, Councilman Fisher – AYE, Councilman Mercier – ABSTAINED

MOTION by Councilman Fisher, Seconded by Councilman Orsini to enter into executive session at 7:33pm to discuss pending litigation **ALL AYES**

MOTION by Councilman Fisher, Seconded by Councilman Orsini to come out of executive session at 8:27pm **ALL AYES**

ADJOURNMENT:

MOTION by Councilman Fisher, Seconded by Councilman Mercier to adjourn the meeting at 8:28pm **ALL AYES**

DATED: May 16, 2018

Aimee Mahoney, Town Clerk

