MINUTES OF THE TOWN OF FORT EDWARD TOWN BOARD PUBLIC HEARINGS AND REGULAR MEETINGS HELD ON MONDAY, SEPTEMBER 8, 2014 AT TOWN HALL COMMENCING AT 6:00 P.M.

Supervisor Suprenant called the Public Hearing to order at 6:02 p.m.

PRESENT: Supervisor Suprenant
     Councilman Fisher
     Councilman Middleton
     Councilman Mercier
     Councilman Orsini

OTHERS PRESENT: Joseph Brilling, Jeanie Mullen, Darlene DeVoe, Brian Brockway, Matthew Fuller, Jim Durller, Richard Belden, Elizabeth LaFay and Town Attorney Mary Ellen Stockwell

The following notice was published in The Post Star on August 30, 2014:

TAKE NOTICE the Town Board of the Town of Fort Edward will hold a Public Hearing on Monday, September 8, 2014 at 6:00 pm at Town Hall, 118 Broadway Fort Edward, NY 12828 to discuss Sewer District Expansion.

At the Public Hearing anyone who wishes to comment will be heard.

Joseph Brilling – Sewer District Director
Matthew Fuller – Sewer District Attorney

Joseph Brilling: We are trying to get the Town of Fort Edward and the Town of Kingsbury to project the 25 year growth for the Towns. The Town of Kingsbury is moving relatively quickly and they are essentially proposing to file for a sewer district extension. The Town of Fort Edward needs to decide if they want to do this as well and then set boundaries and get a map, plan and report to decide where you think you are going to see growth, based on that we decide whether any improvements are needed at the plant with the collection system and that kind of thing. There is also a lot of studying going on at a regional basis and there is money out there to look at this. I’m thinking if Kingsbury is going to move forward with an extension and it doesn’t matter if their flow goes to us or Glens Falls we still need to figure out what the growth is. The big factor is the Industrial area where the dewatering plant currently is. The Town is also proposing to extend water service down to the Southern end of the Town and should consider including that area in the extension.

Supervisor Suprenant: When they originally formed the district, they didn’t include all sections of the northern part of the district. They gave residents the option at the time if they wanted in or
Matthew Fuller: The goal is to try and create a couple of lines, one in Kingsbury and one in Fort Edward. From a district perspective it’s good to get out of district users in a district legally making it easier to deal with improvements. It makes more sense for Towns to do this together rather than individually. First, the Town needs to identify where they want to see expansion of the district and then a joint meeting can be held with both the Planning and Zoning Boards and finally letters can go out to homeowners asking if they want in or not.

Joseph Brilling: Glens Falls has capacity; we need a sense of the needs and desires of the Town so that we can find the least expensive way to get there.

Supervisor Suprenant: We have talked in the past at the Commissioner’s meetings that it is going to cost something even if they are not hooked up at all. What happens if we put an area in that doesn’t have a sewer line flowing by its residence for example Perkins Dr. Ext. They do not have sewer there or on Burgoyne Ave. Would those people still have to pay just for lying in the district?

Matthew Fuller: That is something that will need to be discussed with the Commissioners and The Town Board. It’s going to be a Policy Decision not a legal decision.

Councilman Middleton: Where do you see regulations 20 years down the road; should we be looking to go as far down as Fort Miller?

Matthew Fuller: I don’t know about the ability to go that far down right now.

Joseph Brilling: Blackhouse Rd and Durkeetown Rd wouldn’t be too far to consider.

Brian Brockway: Look at the boundary of the newly proposed water district.

PUBLIC COMMENT: NONE

Supervisor Suprenant closed the Public Hearing at 6:38 pm

Supervisor Suprenant called the meeting to order at 6:55pm

PRESENT: Supervisor Suprenant
Councilman Fisher
Councilman Middleton
Councilman Mercier
Councilman Orsini
OTHERS PRESENT: Jeanie Mullen, Darlene DeVoe, Brian Brockway, Jim Durller, Richard Belden, Tara Morgan, Elizabeth LaFay, Robert Flores and Town Attorney Mary Ellen Stockwell

The following notice was published in the Post Star on August 30, 2014:

TAKE NOTICE pursuant to Chapter 50 of the Town Code of the Town of Fort Edward a public hearing will be held on Monday, September 8, 2014 at 6:55pm at Town Hall, 118 Broadway Fort Edward, NY 12828 to discuss the modification and changes to the proposed fee schedule relating to Garage Sale Certificates. The Town desires to propose the following fee schedule for the three allowable Garage Sales as per the local law per year: First Garage Sale Certificate per parcel: $0.00 (Free), Second Garage Sale Certificate per parcel: $25.00, Third Garage Sale Certificate per parcel: $25.00, Fourth Garage Sale Certificate per parcel due to inclement weather as provided for upon competent evidence as outlined in the Local Law.

At the Public Hearing anyone who wishes to comment will be heard.

PUBLIC COMMENT: NONE

Supervisor Suprenant closed the Public Hearing at 7:02pm

REGULAR MEETING

Supervisor Suprenant called the regular meeting of the Town Board to order at 7:03pm

PRESENT: Supervisor Suprenant
           Councilman Fisher
           Councilman Middleton
           Councilman Mercier
           Councilman Orsini

OTHERS PRESENT: Jeanie Mullen, Darlene DeVoe, Brian Brockway, Jim Durller, Richard Belden, Tara Morgan, Elizabeth LaFay, Robert Flores and Town Attorney Mary Ellen Stockwell

APPROVAL OF MINUTES: MOTION by Councilman Orsini, Seconded by Councilman Mercier to approve the minutes of the Public Hearing and Regular meeting held on August 11, 2014 ALL AYES

APPROVAL OF REPORTS: MOTION by Councilman Fisher, Seconded by Councilman Middleton to approve the reports of the Town Clerk, Town Justice, Building Inspector, Highway and Supervisor as submitted ALL AYES

APPROVAL OF BILLS: MOTION by Councilman Middleton, Seconded by Councilman Mercier to approve Abstract #9 of 2014 ALL AYES
COMMITTEE REPORTS

Grant Coordinator Darlene DeVoe submitted the following report for August 2014:

**Grant Coordinator Report for August 2014**

Submitted by Darlene DeVoe 9/8/2014

**EPA Clean-up Grant – former Grand Union Project**

The Remedial Action Work Plan is almost ready for review by the Town and Developers prior to submission to the EPA and DEC. Kirk and I have been working with all parties to expedite this process.

The Supervisor and I met with the Developers and their Site Engineer with Kirk and the Town’s Planning Board Engineer to go over site plan questions, timing, property easements, and DOT traffic signal. 354 Broadway LLC has submitted preliminary plans to the Planning Board for Wednesday’s meeting. Kirk and I will be there to answer questions regarding the environmental cleanup of the site.

**EPA Hazardous Materials Assessment & EPA Petroleum Assessment Grants -**

In addition to the former Grand Union project work, the 1099 Burgoyne Avenue property Phase 2 ESA is underway.
HOME & Affordable Housing Corporation –

We have 19 completed projects
We have 1 project ready for contract
We have 1 project in development
We have 18 cases that did not qualify for the program
We have 6 cases waiting for a new grant
New requests are being referred to the County EOC for potential assistance
*Any applications taken now will be kept on file for potential future funding.

An application has been prepared by Avalon and submitted for the next round of funding.

The Canal Street Marketplace Project –

The Canal Barn foundation is in, the new posts, framing and sheathing are complete and she is scheduled to come back down on Tuesday.
This project has had a core of volunteers all summer handling demolition and site preparation but there is now a need for people that have skills and tools for reconstruction and the new construction of bathrooms and the office. Since everyone has different availability and different skills, it will help us coordinate the project schedule if you can email me your information directly at BigSmileyWink@aol.com. Thank you!

Commercial and Industrial Development Strategy – (NE BOA)
Downtown Renaissance Plan (Downtown BOA) –

We are still waiting for final reimbursements
We have been approved to ask for several of our strategic brownfields to become a State Designated Brownfield which provides a 2% tax incentive for redevelopment projects.

Industrial Park and Dewatering Facility BOA (Step 3)

After several long conversations with DOS, even though our Workplan is in, there is no indication when contracts will be released. We have made it crystal clear that the timeline is being dictated by actual deadlines that will not wait. DOS recommends speaking with our elected officials to help “shake the tree”.

Water District 3 –
Rob Flores will be attending the Board meeting to update and to begin the SEQR process.

**Robert Flores (C.T. Male):** The next step in creating the district is to go through the SEQR process. The Town Board needs to declare they are planning to be Lead Agent; this would be a Type 1 Action. Type 1 Action is coordinated review and we need a motion from the Board that you are intending to be Lead Agency of the Water District 3 project. We will then send out Coordinated Review letters to all potentially involved agencies. 

**MOTION** by Councilman Orsini, Seconded by Councilman Fisher that the Town Board of the Town of Fort Edward classifies the proposed action as a Type 1 action for the SEQR process which will require a Full EAF Form and that the Town Board of the Town of Fort Edward declares their intent to pursue Lead Agency status for a Type 1 action and that the Town Board of the Town of Fort Edward authorizes the Town Engineer, C.T Male to distribute lead agency correspondence in accordance with 6 NYCRR 617.6, including Part 1 of a Full EAF to all potentially involved agencies including, but not limited to NYS Department of Environmental Conservation, NYS Department of Health, NYS Department of Transportation, Washington County Highway Department, Village of Fort Edward and Washington County Planning Board as interested agencies **ALL AYES**

**BUSINESS:**

- Town Assessor Roseanne Lemery is out of the office at this time dealing with a family illness and is working from home. She would like to have someone in the office from November 2014-April 2015. A resume has been submitted to the Town Board from Elizabeth LaFay who is willing to take the position from November-April for $14/hour.

**MOTION** by Councilman Orsini, Seconded by Councilman Middleton to appoint Elizabeth LaFay to fill in for the Town Assessor Roseanne Lemery from November 2014-April 2015 for $14/hour **ALL AYES**

- Ed Vopelak from C.T. Male Associates submitted a letter to the Town Board after reviewing the Water Tank Inspection Report provided by Pittsburgh Tank and Tower Maintenance.

**RESOLUTIONS:**

**RESOLUTION NUMBER 45 OF 2014**

**MOTION BY COUNCILMAN MIDDLETON**

**SECONDED BY COUNCILMAN MERCIER**
WHEREAS, 354 Broadway, LLC is proposing to construct a new facility to redevelop the former Grand Union property, and

WHEREAS, the property located at 354 Broadway is currently owned by the Town of Fort Edward, and

WHEREAS, the property located at 354 Broadway has applied to go before the Town of Fort Edward Planning Board for Site Plan Review and needs an authorization form from the Town of Fort Edward to Act as Agent on the project.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Fort Edward hereby authorizes Supervisor Suprenant to sign the Agent form for the Site Plan Application proposed by 354 Broadway, LLC.

DATED: September 8, 2014

PRESENT:
Mitchell C. Suprenant, Jr., Supervisor
Terry Middleton, Councilman
Timothy Fisher, Councilman
Neal Orsini, Councilman
Richard Mercier, Councilman

AYES: 5
NAYES: 0
ABSENT: 0

RESOLUTION NUMBER 46 OF 2014

MOTION BY COUNCILMAN ORSINI
SECONDED BY COUNCILMAN MERCIER

WHEREAS, The Town of Fort Edward Elevated Water Tank on Park Avenue is a 250,000 gallon elevated tank, 140 feet tall, 40 foot diameter welded steel tank constructed in 1988, and

WHEREAS, an inspection of the Tank was done by Pittsburgh Tank Tower Maintenance Co., Inc. on July 21, 2014 and the inspection report was reviewed by C.T. Male Associates, and

WHEREAS, after review of the inspection report, C.T. Male Associates do not see any deficiencies that require immediate action by the Town however, the tank interior and exterior coatings are over 25 years old and they should be rehabilitated within the next year as they are deteriorating.
NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Fort Edward does hereby hire C.T. Male Associates to provide design and construction administration services for the rehabilitation of the tank.

DATED: September 8, 2014

PRESENT:
Mitchell C. Suprenant, Jr., Supervisor
Terry Middleton, Councilman
Timothy Fisher, Councilman
Neal Orsini, Councilman
Richard Mercier, Councilman

AYES: 5
NAYES: 0
ABSENT: 0

RESOLUTION NUMBER 47 OF 2014

MOTION BY COUNCILMAN FISHER
SECONDED BY COUNCILMAN MIDDLETON

WHEREAS, The Town of Fort Edward requires managed services and anti-virus protection on 7 workstations and the server for back up purposes.

NOW THEREFORE BE IT RESOLVED, The Town Board of the Town of Fort Edward wishes to hire STOREDTECH to perform maintenance and management of all workstations as well as the server to ensure the system will be operational, available and secure.

DATED: September 8, 2014

PRESENT:
Mitchell C. Suprenant, Jr., Supervisor
Terry Middleton, Councilman
MOTION BY COUNCILMAN MIDDLETON
SECONDED BY COUNCILMAN ORSINI

A RESOLUTION AMENDING THE SCHEDULE OF FEES FOR THE TOWN OF FORT EDWARD AS IT RELATES TO GARAGE SALE CERTIFICATES

WHEREAS, the Town Board of the Town of Fort Edward has the ability to review the fee schedule at any time it deems necessary and proposed revisions or amendments to it as codified in Chapter 50, Subsection 1 of the Town Code of the Town of Fort Edward; and

WHEREAS, the Town Board of the Town of Fort Edward desires to modify the current fee schedule relating to certificates for garage sales in the Town of Fort Edward; and

WHEREAS, the current fee for a Garage Sale Certificate is $25.00 per Garage Sale; and

WHEREAS, the Town of Fort Edward recently adopted Local Law #2 of 2014 which amends certain sections of Chapter 59 of the Town Code which regulates Garage Sales in the Town; and

WHEREAS, a public hearing was held on September 8, 2014 at 6:55 P.M. at the Office of the Town Hall, 118 Broadway, Fort Edward, New York 12828 and publication of said public hearing notice was published in The Post Star at least 10 days before said hearing.

NOW THEREFORE BE IT RESOLVED, that after due deliberation and a public hearing held on the matter and taking in to consideration public opinion on the matter at a duly noticed public hearing on September 8, 2014 at 6:55 p.m. the Town of Fort Edward modifies the current Fee Schedule of the Town of Fort Edward as follows:

- First Garage Sale Certificate per Parcel: $0.00 (Free)
- Second Garage Sale Certificate per Parcel: $25.00
- Third Garage Sale Certificate per Parcel: $25.00
Fourth Garage Sale Certificate per Parcel due to inclement weather as provided for upon competent evidence as outlined in the Local Law: $0.00 (Free, as fee would have already been paid for in “third garage sale”)

and be it further

RESOLVED that the Town Clerk is directed to post the revised Fee Schedule, incorporating the above revisions, amendments and changes herein on the official Town bulletin board maintained for that purpose in the Town Hall and in the offices of the Town Clerk, the Town Assessor and the Building Inspector at all times, and shall be made available by the Town Clerk for distribution at those offices to persons requesting the same; and be it further

RESOLVED that this resolution shall take effect immediately

Dated: September 8, 2014

PRESENT:
Mitchell C. Suprenant, Jr., Supervisor
Terry Middleton, Councilman
Timothy Fisher, Councilman
Neal Orsini, Councilman
Richard Mercier, Councilman

AYES: 5
NAYES: 0
ABSENT: 0

TOWN OF FORT EDWARD
COUNTY OF WASHINGTON, STATE OF NEW YORK
RESOLUTION NUMBER 49 OF 2014

MOTION BY COUNCILMAN MIDDLETON
SECONDED BY COUNCILMAN MERCIER

A RESOLUTION SETTING A PUBLIC HEARING TO ADOPT A LOCAL LAW ADOPTING NEW ZONING MAP FOR THE TOWN OF FORT EDWARD

WHEREAS, the Town Board of the Town of Fort Edward has been working with the Washington County Real Property Department over the past year to put together a new comprehensive zoning map for the Town of Fort Edward to replace the currently existing zoning map adopted in August 1963, and
WHEREAS, the Town Board desires to modify and update such maps to make them easily accessible in a PDF electronic format for all members of the public.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Fort Edward sets a public hearing at 6:55 p.m. at next month’s meeting on October 20, 2014 at Town Hall, 118 Broadway, Fort Edward NY 12828 and directs the Town Clerk to publish the notice in The Post Star, the official newspaper of the Town to hear all those interested in the adoption of a new local law adopting a new zoning map for the Town of Fort Edward, and

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Fort Edward shall make available to the public the proposed zoning maps in the Office of the Town Clerk at 118 Broadway, Fort Edward NY 12828, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Fort Edward declares itself lead agency for SEQR and authorizes the Town Clerk to notice the Town of Moreau, the Town of Kingsbury, Town of Argyle, Village of Fort Edward, Village of Hudson Falls and Town of Greenwich which border the Town of Fort Edward.

Dated: September 8, 2014

PRESENT:
Mitchell C. Suprenant, Jr., Supervisor
Terry Middleton, Councilman
Timothy Fisher, Councilman
Neal Orsini, Councilman
Richard Mercier, Councilman

AYES: 5
NAYES: 0
ABSENT: 0

TOWN OF FORT EDWARD
COUNTY OF WASHINGTON, STATE OF NEW YORK
RESOLUTION NUMBER 50 OF 2014

MOTION BY COUNCILMAN MIDDLETON
SECONDED BY COUNCILMAN MERCIER

A RESOLUTION STARTING THE SEQR PROCESS FOR THE PROPOSED WATER DISTRICT THREE EXPANSION PROJECT
WHEREAS, the Town Board of the Town of Fort Edward is moving forward with the proposed expansion of Water District #3 and desires to commence the SEQR process for the proposed expansion.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Fort Edward classifies the proposed action as a Type 1 action for the SEQR process which will require a Full EAF Form, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Fort Edward declares their intent to pursue Lead Agency status for a Type 1 action, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Fort Edward authorizes the Town Engineer, CT Male to distribute lead agency correspondence in accordance with 6 NYCRR 617.6, including Part 1 of a Full EAF to all potentially involved agencies including, but not limited to New York State Department of Environmental Conservation; New York State Department of Health; New York State Department of Transportation; Washington County Highway Department and the Village of Fort Edward and the Washington County Planning Board as an interested agency.

Dated: September 8, 2014

PRESENT:
Mitchell C. Suprenant, Jr., Supervisor
Terry Middleton, Councilman
Timothy Fisher, Councilman
Neal Orsini, Councilman
Richard Mercier, Councilman

AYES: 5
NAYES: 0
ABSENT: 0

MOTION by Councilman Orsini, Seconded by Councilman Middleton to enter into Executive Session at 7:25pm to discuss pending litigation and contract negotiations ALL AYES

MOTION by Councilman Fisher, Seconded by Councilman Orsini to come out of Executive Session at 7:50pm ALL AYES

Regular meeting re-opened at 7:52pm

MOTION by Councilman Middleton, Seconded by Councilman Fisher to set a Tentative Budget Public Hearing for October 20, 2014 at 6:45pm ALL AYES

OTHER BUSINESS:
**Councilman Orsini:** There are 3 Pit bulls residing at 73 Broadway. The owner brings them out unleashed and allows them on private property as well as public property. The Animal Control Officers are aware of the problem and will not sign a complaint.

**Supervisor Suprenant will contact Ed Holland in an effort to get this issue resolved.**

**ADJOURNMENT:**

**MOTION** by Councilman Fisher, Seconded by Councilman Mercier to adjourn the meeting at 8:00pm **ALL AYES**

DATED: September 10, 2014

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Aimee Mahoney, Town Clerk