

**MINUTES OF THE TOWN OF FORT EDWARD TOWN BOARD BUDGET
WORKSHOP AND REGULAR MEETING HELD ON TUESDAY, OCTOBER 11, 2016
AT TOWN HALL COMMENCING AT 6:30PM**

PRESENT: Supervisor Suprenant
Councilman Orsini
Councilman Mercier
Councilman Fisher

ABSENT: Councilman Middleton

OTHERS PRESENT: Brian Brockway, Darlene DeVoe, Town Attorney Mary-Ellen Stockwell, Kameron Trainor, Shelby Gillis, Natalie Perras, Jordan Suprenant, Michael Suprenant, Ennio Ruggi, Frank Burkhardt, Janet Oswald, Richard Belden, Merrilyn Pulver-Moulthrop, Lori Benson, Sarah Pulver, Tom Moulthrop, Laurie LaFond, Linda Rooke, David Rooke, Mark Kianu (IBA)

**2017 BUDGET WORKSHOP
6:30PM**

Supervisor Suprenant opened the workshop at 6:30pm

Read Councilman Middleton's correspondence regarding garbage:

- Raise sticker prices?
- Bring the garbage to the barn twice a week?

Brian Brockway: How does he plan on doing that?

Councilman Orsini: I am worried about the infrastructure with the private haulers. The haulers also do not pay any kind of a fee do they?

Supervisor Suprenant: That is something we can put on our fee schedule like the Village

Mary-Ellen Stockwell: Days can be limited for pickup and also a fee can be charged.

Supervisor Suprenant: They do not abide by that in the knolls or on Case St that I know of

Darlene DeVoe: Let the Village office know

Supervisor Suprenant: We can look at the Village Local Law and go from there

Brian Brockway: a 1 ton will not be able to handle all the brush and leaves that we pick up.

Supervisor Suprenant: We could raise the sticker price \$2.00/sticker which would bring in more revenue but could push people to private haulers.

Councilman Fisher: We will lose people if we jump the prices

Supervisor Suprenant went through the proposed 2017 budget

- May go out to bid for landscaping of Hudson Headwaters and Patriot Garden or see if the Village wants to do the sidewalks at Hudson Headwaters since the Town does the plowing
- Councilman Middleton suggests doing our own maintenance at the pool
- Councilman Middleton wants a contract with the Friends of the IBA to pay taxes and water tax because he doesn't ever see the bill getting passed.

Brian Brockway: Should we put something in there for repairs of the lights? Maybe \$1,000.00 for light bulbs and maintenance

Supervisor Suprenant: Yes, we will look into putting \$1,000.00 in for that and also we will look at purchasing a roadside tractor in the spring.

Supervisor Suprenant closed the Public Hearing at 7:00pm

Continued Public Hearing Solar Local Law

Opened the Public Hearing at 7pm

The following notice was published in the paper on October 4, 2016:

PLEASE TAKE NOTICE, the Town Board of the Town of Fort Edward will hold two public hearings on Monday, October 11, 2016 at Town Hall, 118 Broadway, Fort Edward, NY the first one at 6:50 p.m. for the purpose of hearing comments regarding changes to the fee schedule for fees regarding certified copies and at 6:55 p.m. for the purpose of hearing comments regarding the consideration of the proposed Local Law adopting new Solar Regulations for the Town of Fort Edward.

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

Mary-Ellen Stockwell: This is a continuation of a public hearing on September 19th that was tabled until today.

PUBLIC COMMENT:

Ennio Ruggi: What is this about?

Supervisor Suprenant: Regulating the Solar, where you can put them on your property, how high they can go, what areas they can go into, setbacks, de-commissioning, maintenance.

Draft Local Law is available in the Town Clerk's Office

Mary-Ellen Stockwell: The Local Law has just been introduced in a working format for the public and the Board who have gone to several workshops and educated themselves and spent many months learning about solar. The Local Law is in draft format in the Town Clerk's Office for any public comment. I would recommend keeping the public hearing open because we are still in the workshop stage of the Local Law and I know that the Board was interested in what Councilman Middleton had to say after going to an additional workshop at the end of the month. I recommend tabling to the November meeting for continued review.

MOTION by Councilman Fisher, Seconded by Councilman Mercier to keep the public hearing open and table it until November 14th at 6:55pm **ALL AYES**

Frank Burkhardt: Does it address anything about assessment?

Supervisor Suprenant: If you want to tax them you have to pass a Local Law since they are automatically exempt.

Public Hearing Fee Schedule Changes

Supervisor Suprenant: Garbage Sticker and registrar fees may need to be raised; also Code Enforcement was looking into some fee changes and needs further review.

MOTION by Councilman Mercier, Seconded by Councilman Orsini to table the public hearing until November 14th at 6:50pm **ALL AYES**

Supervisor Suprenant called the regular meeting to order at 7:10pm

Pledge of Allegiance

PRESENT: Supervisor Suprenant
Councilman Orsini
Councilman Mercier
Councilman Fisher

ABSENT: Councilman Middleton

OTHERS PRESENT: Brian Brockway, Darlene DeVoe, Town Attorney Mary-Ellen Stockwell, Kameron Trainor, Shelby Gillis, Natalie Perras, Jordan Suprenant, Michael Suprenant, Ennio Ruggi, Frank Burkhardt, Jan Oswald, Richard Belden, Merrilyn Pulver-Moulthrop, Lori Benson, Sarah Pulver, Tom Moulthrop, Laurie LaFond, Linda Rooke, David Rooke, Mark Kianu (IBA)

APPROVAL OF MINUTES: MOTION by Councilman Orsini, Seconded by Councilman Fisher to approve the minutes of the meeting of September 12, 2016 **ALL AYES**

APPROVAL OF REPORTS: MOTION by Councilman Orsini, Seconded by Councilman Fisher to approve the reports of the Town Clerk, Supervisor, Highway Superintendent, Code Enforcement/Zoning Officer and Town Justice as submitted **ALL AYES**

Grant Coordinator Report for October 2016

Submitted by Darlene DeVoe 10/11/2016

~~Former Grand Union Brownfield Redevelopment Project~~

MARKET 32 Construction Project

Construction schedule includes the delivery of inside equipment beginning this week. The traffic light streetscape work is underway. This includes closing the north entrance to Agway and relocating the Broadway entrance into the bowling alley closer to Park Street. This has impacted the curbing, snow storage areas, street trees and pedestrian lighting. The grading for paving is underway with paving scheduled to begin next week.

EPA Petroleum Assessment Grant -

1099 Burgoyne Phase 2 Environmental Site Assessment is underway.

Our EPA Project Officer came up and toured the Canal Street Marketplace, the Market 32 site, the former dewatering facility, the freight house, and the Williams house.

He has recommended we apply for at least a new Hazardous Substance Assessment grant but a new Petroleum Assessment grant too. Applications are usually due in December.

BOA Step 3 –

The Full Environmental Assessment Form, Part 1 was reviewed and minor revisions are being made today so that we may give it to the Planning Board and Town Attorney tomorrow.

If the Planning Board agrees to declare their intent to be Lead Agency at their meeting then we can go ahead and get the letters out to the identified Agencies for the coordinated review.

The Draft Generic Environmental Impact Statement is being worked on by CT Male and it will be a great tool for our Planning Board and potential Businesses to utilize while the former facility and surrounding industrial park is being redeveloped.

We have the proposed Route 4 truck route mapped with cross sections to show the grade changes. The alternatives are similar and require additional items to be examined.

We continue to work with the owners of the Industrial Park on addressing issues that pose hindrances to development, including the roads.

Bradley Beach –

The Secretary of State was here for the Canal Street Marketplace ribbon cutting last week and said she would like to help but has been told that the grant we have cannot be used for pools. She agreed that this is not a typical situation and will work with us to see what we can do with the funding.

HOME 2013 –

The first project is complete! We have ordered lead and energy reports on the next two potential projects. Several applications are being worked on now.

Note: It is important for people to READ the information in the application packet BEFORE submitting it to us with incorrect or insufficient information. This does not expedite their application and instead is likely to cause the application to be dropped down on the list. Most importantly, we DO NOT want original documents. That includes taxes, deeds, pay stubs, insurance certificates, and bank statements.

Community Planning –

The DRAFT Town of Fort Edward Master Plan Update is just about completed. Would Tuesday, November 1st work for the Board to hold a Public Workshop to introduce the updates/revisions?

Champlain Canalway Trail –

The Village and Fort Edward Chamber of Commerce hosted the “Community Leaders along the Champlain Canalway Trail” presentation and luncheon, in the Canal Street Marketplace. (which opened officially on October 8th with the first Fort Edward Locktoberfest event).

Those in attendance were impressed with the amount of work along the trail that has been accomplished and encouraged to see the planning and dedication to seeing the trail complete that will connect Whitehall to Waterford, solidifying the importance of the Champlain Canalway Trail for recreation, commuting, and economic vitality.

Proposed Water District 3

I followed up on Deputy Supervisor Middleton’s conversation and met with Assemblywoman Woerner. She said she would like to help if she can and infrastructure is an important investment. I need to know how much it will cost to form the district, not build the project. Mainly, legal expenses and any NYS fees that we will need to pay.

This funding goes through DASNY and is reimbursement. And, may be slow getting back.

APPROVAL OF BILLS: MOTION by Councilman Fisher, Seconded by Councilman Mercier to approve Abstract #10 **ALL AYES**

ABSTRACT #10

GENERAL A – 6004-6007,6013-6044	\$19,137.01
GENERAL B – 6045-6047	\$ 1,432.25
HIGHWAY – 6048-6059	\$ 5,035.29
MUNICIPAL – 6060-6064	\$33,388.91
SPECIAL LIGHTING – 6010-6012	\$ 2,516.12
SPECIAL WATER –6008-6009,6065-6068	\$ 563.48
SPECIAL WATER 2 – 6069-6071	\$ 195.00
HOME 2013 – 13	\$ 420.00
EPA PET 2 – 53-54	\$ 554.75
BOA 3 - 26	\$ 1,150.00

TOTAL: \$64,392.81

**Intermunicipal Agreement
Sewer District 2 extension, Kingsbury and Fort Edward**

We want to extend the district now, not sure when the connections will be made

Once the agreement is signed and RFP will be sent out for proposals for a map/plan/report

MOTION by Councilman Fisher, Seconded by Councilman Mercier to authorize Supervisor Suprenant to sign the agreement pending final Attorney approval **ALL AYES**

RESOLUTIONS:

RESOLUTION NUMBER 24 OF 2016

MOTION BY COUNCILMAN ORSINI

SECONDED BY COUNCILMAN FISHER

**SUPPORT OF ADOPTION OF BILL ALLOWING NYS ORPTS TO PAY TAXES
IN THE WASHINGTON COUNTY WMA**

WHEREAS:

The Town of Fort Edward wishes to conserve its rural character, maintain and balance its tax base, provide opportunities for land owners to continue in farming activities and environmentally appropriate development, conserve wildlife habitat, and welcome new environmentally friendly economic activities to the Town, and

WHEREAS:

Certain agricultural lands in Washington County have been identified in the New York Open Space Conservation Plan, 2006 as a critical component of the state's efforts to conserve open space, providing agricultural products, scenic open space and vital wildlife habitat, (page 181, resolution 15 and page 314, project #134 and page 292, project #64 protect wildlife habitat in the river corridor.) and;

WHEREAS:

The Washington County Grasslands (covering parts of the towns of Fort Edward, Argyle and Kingsbury) supports 10 of 11 species of grassland birds listed as "Species of Greatest Conservation Need, whose numbers are in sharp decline in the country and in New York State, and;

WHEREAS:

New York State Department of Environmental Conservation (NYDEC) has identified these specific farmland areas of Washington County as a special grassland bird focus area, making the area eligible for federal and state Open Space and Landowner Incentive Program funds to encourage land owners to manage these lands to conserve grassland birds while remaining in active farming, and;

WHEREAS:

The NYSDEC plan identifies core grassland habitats used by bird species that could be protected by state fee purchase or conservation easement land acquisition, and also identifies surrounding private agricultural land as buffer areas on which farm management practices should be encouraged and continued, modified by agreement with the state to protect grassland bird and other wildlife habitat as appropriate. Town participation in the unique grassland bird habitat protection plan to conserve farmland could have financial benefit for individual landowners, help to maintain tax revenue for the Town; help to protect the Town's scenic resources and wildlife habitat, encourage ecotourism and nature education and;

WHEREAS:

The Town of Fort Edward, passed Resolution No. 89 of 2007, (12/31/2007) entitled "Washington County Grassland Habitat Protection Plan" as a priority project under statewide farmland protection in the New York State Open Space Conservation Plan and; conceptually the Town supports implementation of the Plan through and acquisition from "willing sellers" and;

WHEREAS:

It is anticipated based on proposed bill language that taxes on all properties classified as a WMA (Wildlife Management Area) will be paid by the New York State Office of Real Property Taxation once legislation has been adopted. Senator Betty Little and Assemblywoman Carrie Woerner have introduced bills to amend the real property law making certain state lands in the towns of Argyle, Fort Edward and Kingsbury, in the county of Washington, subject to taxation for all purposes. Senator Little's bill was adopted unanimously by the NYS Senate in June of 2016 (S6343). Assemblywoman Woerner's bill did not make it out of committee before the session ended; the Assemblywoman will plan to reintroduce and advocate for a bill to be adopted next session(A8663); and,

WHEREAS:

The Fort Edward Town Board supports these measures to allow NYSDEC to pay taxes through ORPTS; both on existing owed properties as well as on the properties they wish to acquire; and, (SEE ATTACHED DOCUMENTATION); and

WHEREAS:

Friends of the Washington County Grasslands IBA is a locally based not-for-profit organization working to conserve land in Washington County (mailing address P.O. Box 82, Fort Edward, New York 12828); and,

WHEREAS:

Friends of the IBA's mission is to protect endangered, threatened and at risk grassland birds and to conserve their habitat; and,

WHEREAS: THE State of New York, through the Department of Environmental Conservation, has an agreement to acquire approximately 180 acres of critical grassland bird habitat from landowner, Merrilyn Pulver, ("willing seller"), hereinafter, referred to as the Pulver Property, to create a Wildlife Management Area which is supportive of the mission of Friends of the IBA, and

WHEREAS:

NYSORPTS (Office of Real Property Taxation Services) cannot pay taxes for WMA properties until a bill has been adopted by both houses and approved by the Governor; and, the economic vitality of the Town could be impacted by the removal of the property from the tax rolls, and

WHEREAS:

Friends of the IBA recognizes that the vitality of the town is an important goal for its elected leaders and wishes to support this endeavor,

NOW THEREFORE, BE IT RESOLVED:

The Town Board of the Town of Fort Edward would like to make it known that they are in support of the above referenced legislation and that the Town requests that a bill is adopted in order that the State is able to pay all taxes for the "Pulver Property" (currently yearly taxes (approximately \$3804,39); and be it further

RESOLVED that in addition to the above support, the Town passes this resolution in support of a bill being adopted that will also cover the existing land taxes for properties owned by NYSDEC (currently totaling approximately \$10,920.04); and be it further

RESOLVED that this resolution is intended to show the support the Town has for such legislation, the IBA initiatives and for such bill to to be passed in the Senate and the House and to further support seeing such legislation come to fruition in order that the State is able to pay future taxes on such proposed properties; however, this resolution is in not to be considered to be an agreement with the IBA or related parties of the Pulver property.

Dated: October 11, 2016

VOTE: Supervisor Suprenant – AYE
Councilman Orsini – AYE
Councilman Mercier – AYE

Councilman Middleton – ABSENT
Councilman Fisher - AYE

Supervisor Suprenant: The Town Board is not in agreement for this until the bill is passed; this resolution is just in support of the bill.

Mary-Ellen Stockwell: I read over the resolution that was proposed and I think the intention of the resolution is what the Board has been talking about all along which is to support the passing of such legislation which has been put forth to include the Towns of Argyle, Kingsbury and Fort Edward in Washington County. I read the entire bill, the bill notes and the Real Property Tax Law Section associated with it; there are several Towns that are exempted from it, I am going to be requesting copies of their tax bills from the Assessors where DEC already pays taxes, for example in the County of Rensselaer and the Town of Berlin, I would like to see the line items on those so we can have even more information. We are unclear about special district for things such as lighting and water and I would like to see the breakdown of the bills for clarification.

PUBLIC COMMENT:

Laurie LaFond: Thank you for the resolution support, what is the Board's answer about our proposal?

Supervisor Suprenant: We voted on it at our last meeting and it didn't pass. I can tell you that we can't take any action tonight without Councilman Middleton here due to an emergency meeting in Buffalo, we can discuss it again which we have been doing. I'm not sure if we have convinced enough people to support it.

Laurie LaFond: Is there anything else we can provide to you to help convince people that this is going to be a good thing for Fort Edward?

Supervisor Suprenant: I don't think anyone is disputing that.

Councilman Orsini: I think between you and Merrilyn you have provided enough information. It's just a matter of the Board getting together and figuring out the best way to do it. I will be honest with you; I am in favor of a legal agreement between the IBA and the Town. We realize that the water district is in the future but we have to think about the water district in the future and the people in that area.

Supervisor Suprenant: We are doing whatever we can with the water district to make it affordable. We do not want to add any expenses to it that will make it unaffordable.

Laurie LaFond: We are talking about 1 parcel out of 96 and it can't be a lot of money seeing as they cannot assess agricultural lands anyway. You can't charge somebody \$6,000.00 and somebody with just a house \$1,000.00.

Councilman Orsini: For the past 5 weeks I have worked doing fundraisers, do you do fundraisers? We are only talking about a \$3,800.00 tax bill right now. Do you raise

\$3,800.00/year? If we can have a legal agreement that you will pay the taxes and agree that in the future, a few years down the road if we do get a water district including your Ag. exemptions and including that if you have a Visitor's Center that you are going to be included in this water district that would make things a lot easier for me.

Merrilyn Pulver Moulthrop: There was an agreement given by the IBA to the Board. There is still confusion about the Water District. The Proposed Visitors Center is not going to lie in proposed water district 3; the Visitor's Center is over on Plum Road and is not part of water district 3. The documentation that has been supplied is that the State will pay for water.

Mary-Ellen Stockwell: I don't have anything that says the State will pay for water.

Merrilyn Pulver-Moulthrop: If they use water which they will be using at the Visitors Center. Who knows, they may want to use it on the property across from mine where there is a barn. If they did then that would be part of the water district. The Town of Putnam in Washington County shows that they pay the water on their bill. I have all of the information in regards to that and will give it to the Board. The taxes remain being paid by the Nature Conservancy on my sale in 2008 up through 2014. When DEC took it over, it was no longer paid for so this bill that you just agreed to will allow for the Town to take in an additional \$1,100.00. We were talking about the water district and Terry had come up with that it was going to cost \$6,000.00 for a neighbor up the road and said be careful Merrilyn about what you are willing to pay. That just didn't seem right to me. I went looking and I realized that water district 3 has not been looked at as being completely in an agricultural district which is number 6. By that fact, there is documentation that shows that the Dept. of Ag & Markets that you cannot tax agricultural land for a full assessed value, you have to tax it no differently than you would a house with 1.5 acres on each side however, if that person uses his barn and has water going to his barn then also assess the value of the barn but you can't assess the value of the land. That changes things dramatically. Terry also made the comment to me that it was no different than what was done in water district 2 but it is different. I did check water district 2 and within that it told the total value exempt from Ag. properties so it definitely shows you that what we did in water district 2 wasn't the same and maybe CT Male doesn't know the property or maybe you just haven't gotten that far but you did a map, plan & report and in that report it said full assessed value and that is how there were 7 or 8 of us with a yearly cost of between \$4,000.00 and \$6,500.00 for a 30 year term. That will have to go back and be redone.

Supervisor Suprenant: As far as Ag District #6, in order to qualify to be agricultural do you have to apply to be included?

Merrilyn Pulver-Moulthrop: There are 2 different things here; the Ag districts are done on every 7-8 year period. If someone comes forward and says I do not want to be part of the district then you are not but most people want to be included. The Ag district 6 can be changed every 6 years but the property owner needs to go and say that they want to be part of it. You are in unless you opt out. The other thing is the Ag Exemption, that is for a farmer that has at least 10 acres of land and needs to show that they make over \$10,000.00 in income on a yearly basis and that information goes to the Town Assessor. The fact of the matter is that the water district is going to

need some changes and it's not because I don't want a water district but it needs to be fairly done and the property that would be included in that water district is not in the water district, it is around the corner on Blackhouse Road.

Supervisor Suprenant: We will look into this more, we will check with CT Male as well as our Attorney and we will discuss it again next month.

Merrilyn Pulver-Moulthrop: The fact of the matter is, we have been going over this a very long time.

Supervisor Suprenant: We will make our decision next month; you have given us enough information and background to look into it.

Merrilyn Pulver-Moulthrop: You didn't vote last time because all I said was what else do you need, we talked about everything last month, I explained things, I know Dick had some questions and I explained them to him about the Ag land. It's so important to remember that Plum Road has nothing to do with this water district. I don't know what more I can provide to you.

Mary-Ellen Stockwell: We have all of the information; it is strictly a Board decision.

Merrilyn Pulver-Moulthrop: One other piece of documentation that we talked about and was scoffed at was with regard to the cost of Community Service Studies. We were able to get that information as well and this is in relationship to residential vs. agricultural vs. industrial, the end uses. A study has been done both in the Town of Greenwich and in the Town of Hartford and the residential land required \$1.40 in services including school for every \$1.00 of revenue it generated. In comparison, every dollar generated by agricultural land cost 16 cents to provide services and similarly in Hartford residential land required \$1.39 in services including school for every dollar of revenue generated and for every dollar of agricultural land it was 12 cents.

MOTION by Councilman Fisher, Seconded by Councilman Orsini to go into executive session at 8:01pm for litigation purposes **ALL AYES**

MOTION by Councilman Mercier, Seconded by Councilman Fisher to come out of executive session at 8:07pm **ALL AYES**

ADJOURNMENT: MOTION by Councilman Fisher, Seconded by Councilman Orsini to adjourn the meeting at 8:10pm **ALL AYES**

DATED: October 13, 2016

Aimee Mahoney, Town Clerk

