

MINUTES OF THE TOWN OF FORT EDWARD TOWN BOARD REGULAR MEETING AND PUBLIC HEARINGS HELD ON MONDAY, NOVEMBER 14, 2016 AT TOWN HALL COMMENCING AT 6:55PM

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

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

OTHERS PRESENT: Town Attorney Mary-Ellen Stockwell, Town Grant Coordinator Darlene DeVoe, Town Highway Superintendent Brian Brockway, Anne Waling (Cypress Creek), Joe Pickering, Christine Hinchcliff, Richard Belden, Frank Burkhardt, Mark Janey, Jeannie Mullen, Laurie LaFond, Janet Oswald, Ron Renoni

**Public Hearing
2017 Preliminary Budget
6:55pm**

Supervisor Suprenant opened the Public Hearing at 6:58pm

The Following notice was published in The Post Star on November 7, 2016:

**TOWN OF FORT EDWARD
NOTICE OF PRELIMINARY BUDGET HEARING**

Notice is hereby given, the preliminary budget for the Town of Fort Edward, Washington County, New York, for the fiscal year beginning January 1, 2017, has been completed and filed in the Office of the Town Clerk, 118 Broadway, Fort Edward, New York where it is available for inspection during regular business hours.

Further notice is hereby given, the Town Board will hold a public hearing thereon Monday, November 14, 2016 at 6:55 P.M. at the Town Hall, 118 Broadway, Fort Edward, New York and at such hearing any person may be heard.

Pursuant to Section 113 of the Town Law, the proposed salaries of the following town officers are hereby specified as follows:

Supervisor	- \$ 10,500
Town Councilman (4)	- \$ 4,433
Superintendent of Hwy	- \$ 66,435
Town Clerk/Collector	- \$ 41,773
Town Justice	- \$ 15,375

In addition, REAL PROPERTY TAX LAW-SECTION 495

Exemption report: shows total assessed value on the final assessment roll that is exempt from taxation: shows the cumulative impact of all exemptions granted: this report is part of the final budget, and made available at the Town Hall.

Public Comment: None

MOTION by Councilman Middleton, Seconded by Councilman Orsini to close the Public Hearing at 6:59pm **ALL AYES**

Town Fee Schedule Continued Public Hearing

Supervisor Suprenant: This public hearing will be continued on December 12, 2016 after the Board has time to review the proposed changes.

Solar Regulations Local Law Continued Public Hearing

Anne Waling: Cypress Creek Renewables: In reading the law it looks like the Board is looking at allowing 40% lot coverage. The thing that influences solar companies the most is the proximity to interconnect so we might have a lot that is 60 acres that was really close to interconnect and a lot that was 200 acres that was further away and the difference in price to develop them could be closing in on a million dollars difference between those 2 sites. We are really driven to develop in a very limited number of locations where interconnect is affordable. For purposes of coverage, the DEC and the DEP consider us to be not impervious surfaces; the panels are spaced up to 22 feet apart and they are at an angle so that the rain does fall off. The water flow patterns are not significantly different than they are without solar panels with the exception of the inverted pad which is probably 12' x 20' and concrete and that is pretty much the only impervious surface on the whole lot. I don't know if that is what drives your coverage regulations, we believe that the visual impacts can be managed through setbacks and the use of screening. I feel that 40% is really aggressive.

Supervisor Suprenant: What are other communities doing?

Anne Waling: It varies, some people are not implementing coverage laws, it depends on your intention; maybe you want to allow the Planning Board the discretion based on the district it's in. Because we haven't been treated as an impervious surface it hasn't been this big of an issue.

Councilman Middleton: My thought with 40% is that if it was for commercial development that the developer could go to the Planning Board and ask for a variance.

Supervisor Suprenant: We don't want entire residential yards covered with solar panels. We do have a process in place if you want to go over 40% in an Ag. Zone where you can come in and file for the building permit and it will get denied by the Zoning Administrator and sent to the Zoning Board of Appeals and the Planning Board for review.

Mary-Ellen Stockwell: The Boards are in place for a purpose and the checks and balances of putting a regulation in place and allowing for a variance is in place for a purpose. The other thing that the Board did talk about last month was the 40% coverage of which they really thought long and hard about that number.

Anne Waling: Would you be constituting the entire area or only that which is covered in panels? For instance we might do a 20 acre installation which a 2 megawatt commercial use which powers about 500 homes and the actual amount of solar panels might be roughly between 9 and 13 acres and the rest would be perimeter road, turn around, etc. Would the whole entire project then count toward the coverage amount or only the portion which the panels are on?

Mary-Ellen Stockwell: The interpretation would be the entire project. In my opinion, this Board as well as the Planning and Zoning Board have worked really hard educating themselves on solar.

Darlene DeVoe: Where you would put a large solar array is not going to be in our Commercial Zone, it's going to be in R-Ag so if you are going to get into lot coverage for a commercial operation which is really going to be on our Ag property you're going to end up going to the Planning and Zoning Boards anyway. Especially in residential zones because no one is going to want a large solar array next door; it's not only about permeability it's also about visual aesthetics.

Mary-Ellen Stockwell went through the Short Form EAF with the Board:

MOTION by Councilman Fisher, Seconded by Councilman Mercier to close the Public Hearing at 7:15pm **ALL AYES**

MOTION by Councilman Fisher, Seconded by Councilman Orsini to declare this as an unlisted action for SEQRA review and to declare a negative declaration for SEQRA review due to no potentially large adverse environmental impacts as a result of the Local Law **ALL AYES**

The Local Law was referred to the Washington County Planning Board and their comments were taken into consideration by this Board.

Regular Meeting:

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

OTHERS PRESENT: Town Attorney Mary-Ellen Stockwell, Town Grant Coordinator Darlene DeVoe, Town Highway Superintendent Brian Brockway, Anne Waling (Cypress Creek), Joe Pickering, Christine Hinchcliff, Richard Belden, Frank Burkhardt, Mark Janey, Jeannie Mullen, Laurie LaFond, Janet Oswald, Ron Renoni

APPROVAL OF MINUTES: MOTION by Councilman Middleton, Seconded by Councilman Fisher to approve the minutes of the regular meeting of September 19, 2016 and regular meeting and public hearing of October 11, 2016 **ALL AYES**

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

The following report was submitted by Grant Coordinator Darlene DeVoe for November 2016:

Grant Coordinator Report for November 2016

Submitted by Darlene DeVoe 11/14/2016

~~Former Grand Union Brownfield Redevelopment Project~~

MARKET 32 Construction Project

Streetscape restoration from the traffic light installation are wrapping up.
The islands have been installed on site and paving will begin shortly.
The inside of the store is fantastic.
Interviews for store positions are being conducted at the train station.
The opening date has been set for January 10, 2017.

EPA Petroleum Assessment Grant -

The Notice of Funding for Assessment Grants was issued. As always, highly competitive but Phil highly recommended that we ride the momentum of success before funding is unavailable. BRS normally writes the EPA Assessment grant applications and I will get a proposal from them.

1099 Burgoyne Phase 2 Environmental Site Assessment is underway.

BOA Step 3 –

The Planning Board decided not to declare itself Lead Agency for the purposes of work being performed as part of the Brownfield Opportunity Area Plan. They would prefer to declare Lead Agency when there are physical projects. Town Attorney and Engineer are working out next steps for the Town Board to take this role.

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 revised maps for the proposed Route 4 truck route 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 –

I have not gotten any update from DOS.

HOME 2013 –

Second project work scope is drafted. We have ordered lead and energy reports coming for the next two potential projects. Several applications are being worked on now. I encourage people to check out the program paperwork available in both municipal offices.

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 receiving a few more edits so I was a little optimistic thinking I would be ready for a public workshop this month.

I have asked our Historian and the President of the Historical Society to review the 2002 Master Plan information on history and historical locations in the community. They have found several major discrepancies and have agreed to craft an update that will include the purchase of the island and additions and improvements to the Old Fort House Museum Campus and RIVC. Should we try for for the Board to hold a Public Workshop to introduce the updates/revisions in December or wait until after the new year? I propose Tuesday, January 17th from 6-8pm.

Champlain Canalway Trail –

The CCTWG is working on updating the plan to reflect what has been accomplished, revise where plans have changed, and provide strategies to help realize the dream of a seamless route connecting the Champlain Canal communities

Proposed Water District 3

Spoke to Assemblywoman Woerner about the WD3 funding for district creation that she talked to Councilman Middleton about a few months ago. She will get the paperwork to me to get started. A preapplication must be submitted before DASNY can send out a contract package.

Again, just a reminder that this funding goes through DASNY and is reimbursement. And, may be slow getting back.

January 17th from 6pm-8pm – Community Planning Meeting

APPROVAL OF BILLS: MOTION by Councilman Middleton, Seconded by Councilman Mercier to approve Abstract #11 **ALL AYES**

ABSTRACT #11

GENERAL A:	6074-6075, 6080, 6082-6113 \$	15,250.68
GENERAL B:	6123-6125	549.50

HIGHWAY:	6114-6122	6,587.44
MUNICIPAL:	6076,6126-6136 void 6129	5,642.45
SPECIAL LIGHTING:	6077,6137-6138	2,591.04
SPECIAL WATER:	6081,6139-6146	19,270.75
SPECIAL WATER 2:	6078-6079,6147-6148-6149	352.95
EPA PET. ASSESS 2:	55	122.50
BOA 3:	27-29	27,010.60

TOTAL: \$77,377.91

BUSINESS:

**Peddling & Soliciting
Joe Pickering
Christmas Trees
Agway Parking Lot**

Joe Pickering: 2nd year in business selling Christmas Trees, looking to continue a business that my uncle started years ago, I have received a lot of positive feedback. Sunday-Saturday 9am-9pm.

MOTION by Councilman Mercier, Seconded by Councilman Orsini to approve the peddling and soliciting application submitted by Joe Pickering to sell Christmas Trees in the Agway parking lot **ALL AYES**

**Friends of the IBA
Laurie LaFond**

MOTION by Councilman Orsini, Seconded by Supervisor Suprenant to move forward and have the Town Attorney draw up a proposed agreement with the IBA for both review by the Town and the IBA as well as DEC

VOTE:
Councilman Middleton – NO
Councilman Fisher – NO
Councilman Orsini – AYE
Councilman Mercier – AYE
Supervisor Suprenant - AYE

Darlene DeVoe: If this is done I would like to hear from the IBA and the DEC that they will not challenge Water District 3. If that is going to happen I'm done working on WD3.

Mary-Ellen Stockwell: I would just like the Board to be aware that enforcing a private agreement is not always an easy thing to do and could be a challenge.

Supervisor Suprenant: I would suggest some money be put in an escrow account up front for the Town in case something happens to the Friends of the IBA.

Verizon Lease Agreement

Mary-Ellen Stockwell: I have attached the proposed amendment to the Water Tower Lease Agreement. If the Board finds this acceptable a motion will be needed authorizing the Supervisor to sign provided that the Town gets paid for the back rent owed from June until now.

MOTION by Councilman Middleton, Seconded by Councilman Fisher to authorize Supervisor Suprenant to sign the agreement with Verizon dba Cellco contingent on the lease payments being made from June up to now **ALL AYES**

MOTION by Councilman Middleton, Seconded by Councilman Orsini to adopt the 2017 Town Budget **ALL AYES**

RFP'S

Hudson Headwaters and Patriot Garden

Supervisor Suprenant: We went out to bid for planting, watering of summer flowers, maintenance, tree trimming, mulching and landscaping at The Patriot Garden and landscaping, planting, snow removal & maintenance at Hudson Headwaters and we received 1 bid from Black Dog Landscaping.

MOTION by Councilman Fisher, Seconded by Councilman Middleton to accept the bid from Black Dog Landscaping **ALL AYES**

RESOLUTIONS:

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

Resolution No. 25 of 2016
Adopted November 14, 2016

Introduced by Councilman Middleton
who moved its adoption

Seconded by Councilman Fisher

**RESOLUTION ADOPTING PROPOSED LOCAL LAW AMENDING CERTAIN
SECTIONS OF THE TOWN OF FORT EDWARD ZONING CODE CODIFIED IN**

**SECTION 108 OF THE TOWN CODE AS IT RELATES TO THE REGULATION OF
SOLAR ENERGY COLLECTORS IN THE TOWN OF FORT EDWARD**

WHEREAS, pursuant to Section 10 of Municipal Home Rule Law and Sections 264 and 265 of Town Law, the Town Board of the Town of Fort Edward (the “Town”) has the authority to adopt local laws amending the Zoning Local Law of the Town of Fort Edward and the Code of the Town of Fort Edward; and

WHEREAS, the Town Board has consulted with the Planning Board, the Zoning Board of Appeals and the Zoning Administrator, and after due deliberation, finds and determines that it is imperative to balance the potential impact on neighbors due to the installation and use of solar energy collectors while permitting property owners to install solar collection systems without excessive regulation; and

WHEREAS, in order to accomplish said intent, found it necessary to amend certain sections of the Zoning Local Law of the Town of Fort Edward contained in Chapter 108 of the Code of the Town of Fort Edward as it applies to locating solar energy collectors and related equipment as necessary and appropriate; and

WHEREAS, the Town Board scheduled a public hearing to be held before the Town Board on September 19, 2016 at 6:00 p.m., October 10, 2016 at 6:55 p.m. and November 14, at 6:55 p.m. at the Offices of the Town of Fort Edward, 118 Broadway, Fort Edward, New York, to hear all interested parties regarding the adoption of a proposed Local Law regulating solar energy collectors contained in Chapter 108 of the Code of the Town of Fort Edward; and

WHEREAS, notice of said public hearing was duly posted and then published in *The Post Star*, the official newspaper of the Town, on October 4, 2016 pursuant to and in conformance with Section 20 of the Municipal Home Rule Law and Sections 264 and 265 of Town Law; and

WHEREAS, said public hearing was duly held and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the proposed Local Law; and

WHEREAS, the Town Board referred the proposal Local Law to the Washington County Planning Board; and

WHEREAS, the Town Board after reviewing the Short EAF and taking a hard look at the potential environmental impacts of the proposed Local Law, the Town Board issued a Negative Declaration in connection with its findings pursuant to the State Environmental Quality Review Act (“SEQRA”), as codified under 6 NYCRR Part 617 et. seq., relative to the adoption of the proposed Local Law, whereby the adoption thereof constitutes an unlisted action that will not have any significant adverse impact upon the environment.

NOW, THEREFORE BE IT

RESOLVED, the Board, upon due deliberation of the proposed Local Law and the

comments presented at the public hearing, finds that the adoption of the same shall be in the best interests of the Town and protects the public health, safety and welfare. The proposed Local Law is designed to regulate the installation and use of solar energy collectors balancing the rights of all property owners; and be it further

RESOLVED, the proposed Local Law is hereby adopted, copies of which are attached hereto and made a part hereof; and be it further

RESOLVED, the Clerk is hereby instructed to publish a copy of the Local Law in *The Post Star* and to file a certified copy of the Local Law in the Office of the Secretary of State; and be it further

RESOLVED, the Law shall take effect upon its filing with the Office of the Secretary of State and filing of an affidavit of publication with the Clerk; and be it further

RESOLVED, this resolution shall take effect immediately.

PRESENT:

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

{Seal}

AYES: 5
NAYES: 0
ABSENT: 0
Town of Fort Edward

Aimee Mahoney, Town Clerk

OTHER BUSINESS:

Councilman Middleton: Discussed the solar conference he went to recently. The technology for solar is where cell phones were 10 years ago. We are going to be seeing a lot of it with the green credits.

Brian Brockway: Phase 3 broken roads have been repaired. They will revisit them when they are done in June.

Jan Oswald: Communication is something that has been difficult for me. I would like to bring it to the attention of the Board that the Chronicle has public notices and it would benefit a lot of people to be able to pick this up. I'm encouraging you to use this as a way to inform. The cost is only if you want the ad boxed in. You have to have all notices there a week in advance and on a Monday.

MOTION by Councilman Middleton, Seconded by Councilman Fisher to go into executive session at 8:00pm **ALL AYES**

MOTION by Councilman Fisher, Seconded by Councilman Middleton to come out of executive session at 8:25pm **ALL AYES**

ADJOURNMENT:

MOTION by Councilman Middleton, Seconded by Councilman Fisher to adjourn the meeting at 8:27pm **ALL AYES**

DATED: November 15, 2016

Aimee Mahoney, Town Clerk