

**AGENDA
TOWN OF FORT EDWARD
REGULAR MEETING
JULY 8, 2024 –7:00 P.M.**

Call to Order
Pledge of Allegiance

ROLL CALL: Supervisor Fisher
Councilman Suprenant
Councilwoman Mullen
Councilman Middleton
Councilwoman Collier

OTHERS PRESENT:

APPROVAL OF MINUTES: Minute of the regular meeting & public hearing held on June 11, 2024.

APPROVAL OF REPORTS: Town Clerk Monthly, Town Justice, Building Inspector, Dog Control, Highway & Supervisor

APPROVAL OF BILLS:

ABSTRACT #6

| | |
|---------------------------|--------------------|
| GENERAL A – | \$11,244.76 |
| GENERAL - | \$11,254.50 |
| HIGHWAY – | \$ 3,646.39 |
| MUNICIPAL – | \$ 1,215.61 |
| SPECIAL LIGHTING - | \$ 2,441.78 |
| SPECIAL WATER – | \$ 319.67 |
| SPECIAL WATER 2 – | \$ 80.51 |
| CS ENERGY ESCROW - | \$ 3,712.50 |

TOTAL: \$33,915.72

BUSINESS:

- **Local Law #2 of 2024** – Disposal and or processing of solid waste prohibited in the Town of Fort Edward.

RESOLUTIONS:

CORRESPONDENCE:

ADJOURNMENT:

Fort Edward Town Court
Summary Report of Cases Closed
Judge Joseph M Malvuccio
Report date: 06/29/2024

06/01/2024 to 06/30/2024
All Judges

| STATUTE | CLOSED | FINE | SURCHG | CIVIL FEE |
|---------|--------|---------|---------|-----------|
| PL | 6 | 1935.00 | 740.00 | 0.00 |
| VTL | 21 | 2692.00 | 1114.00 | 0.00 |
| CIV | 3 | 0.00 | 0.00 | 50.00 |
| CPL | 1 | 0.00 | 0.00 | 0.00 |
| ECL | 1 | 25.00 | 75.00 | 0.00 |
| NAV | 4 | 200.00 | 30.00 | 0.00 |
| TOTALS | 36 | 4852.00 | 1959.00 | 50.00 |

ADDITIONAL INFORMATION

| | | |
|----------------------------|------|-----------------------|
| Number of DWIs - 1192: | 1 | Fines/Fees: \$1400.00 |
| Number of AUOs - 511: | 2 | Fines/Fees: \$893.00 |
| Number of Speeds - 1180: | 4 | Fines/Fees: \$843.00 |
| Number of Defendants: | 21 | |
| Total Number Charges: | 36 | |
| Average Charges/Defendant: | 1.71 | |
| Number of Small Claims: | 1 | |

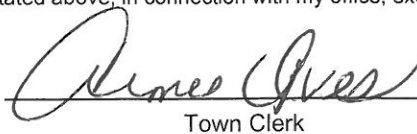
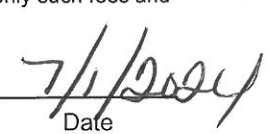
NOTE: Dollars are calculated for fines assessed, not amount collected.

| Account Description | Fee Description | Account# | Qty | Local Share |
|--|--|--------------------|----------------------------------|--------------------|
| Conservation | Conservation | A1255 | 11 | 20.98 |
| | | | Sub-Total: | \$20.98 |
| Dog Licensing | Female, Spayed | A2544 | 16 | 176.00 |
| Dog Licensing | Female, Unspayed | A2544 | 1 | 17.00 |
| Dog Licensing | Male, Neutered | A2544 | 19 | 209.00 |
| Dog Licensing | Male, Unneutered | A2544 | 4 | 68.00 |
| | | | Sub-Total: | \$470.00 |
| MARRIAGE LIC. | MARRIAGE LICENSE FEE | A 1255 | 2 | 35.00 |
| | | | Sub-Total: | \$35.00 |
| MISC. FEES | Certified Copies | A 1603 | 41 | 410.00 |
| MISC. FEES | Interest | A 2401 | 1 | 0.19 |
| | | | Sub-Total: | \$410.19 |
| MISC. FEES | Municipal Search | A 2770 | 5 | 150.00 |
| | | | Sub-Total: | \$150.00 |
| MISC. FEES | Red Landfill Stickers | A 2130 | 2235 | 4,470.00 |
| MISC. FEES | Village Water Rents | SW2 2140 | 1 | 276.75 |
| MISC. FEES | Water Rents | SW 2140 | 6 | 634.69 |
| | | | Sub-Total: | \$5,381.44 |
| PERMIT FEES | Building Permits | B 2590 | 5 | 5,425.00 |
| | | | Sub-Total: | \$5,425.00 |
| Total Local Shares Remitted: | | | | \$11,892.61 |
| Amount paid to: | Animal Population Control | | | 50.00 |
| Amount paid to: | NYS Environmental Conservation | | | 359.02 |
| Amount paid to: | State Health Dept. for Marriage Licenses | | | 45.00 |
| Total State, County & Local Revenues: | | \$12,346.63 | Total Non-Local Revenues: | \$454.02 |

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Aimee Mahoney, Town Clerk, Town of Fort Edward during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

Supervisor Date

 
Town Clerk Date

| LICENSE TYPES AND FEES | | Dogs | Yrs | Seniors | Unspay | Unspayed Statutory Fee (B) | Spayed Statutory Fee (C) | Local Fee (D) | Late Penalty (E) | Spayed Fee (F) | Unspayed Fee (G) |
|------------------------|----|------|-----|---------|--------|----------------------------|--------------------------|---------------|------------------|----------------|------------------|
| 1. Spay/Neuter | 35 | 35 | 0 | | | NO FEE | 0.00 | 11.00 385.00 | 0 0.00 0.00 | 1.00 35.00 | NO FEE |
| 2. Unspay/Unneut | 5 | 5 | 0 | 5 | | 0.00 0.00 | NO FEE | 17.00 85.00 | 0 0.00 0.00 | NO FEE | 3.00 15.00 |
| 3. Exemption | 0 | 0 | | | | NO FEE | NO FEE | NO FEE | NO FEE | 0 0.00 | 0 0.00 |
| 4. Purebred(1-10) | 0 | 0 | | 0 | | 0.00 0.00 | 0.00 0.00 | 0.00 0.00 | 0.00 0.00 | 0.00 0.00 | 0.00 0.00 |
| 5. Purebred(11-25) | 0 | 0 | | 0 | | 0.00 0.00 | 0.00 0.00 | 0.00 0.00 | 0.00 0.00 | 0.00 0.00 | 0.00 0.00 |
| 6. Purebred(26+) | 0 | 0 | | 0 | | 0.00 0.00 | 0.00 0.00 | 0.00 0.00 | 0.00 0.00 | 0.00 0.00 | 0.00 0.00 |
| 7. TOTALS | 40 | 40 | 0 | 5 | | \$0.00 | \$0.00 | \$470.00 | \$0.00 | \$35.00 | \$15.00 |

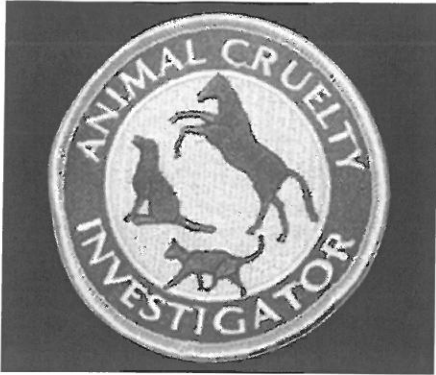
| REPLACEMENT AND PUREBRED TAG ORDERS PROCESSED | | Column H | Column I (Local) | Column J (Statutory) |
|--|----------|----------------------|--------------------------------|-----------------------------|
| 8. Replacement Tags | # Each | 0 | Tag Fees 0.00 | Tag Fees 0.00 |
| 9. Purebred Tags | | 0 | 0.00 | 0.00 |
| 10. TOTALS | | 0 | \$0.00 | \$0.00 |
| DISBURSEMENTS (to T.C.V.) | | (to County) | (to Animal Population Control) | |
| 12. Local% of 7B + 7C | \$0.00 | 15. Stat% of 7B + 7C | \$0.00 | 18. 100% of 7F + 7G \$50.00 |
| 13. Local% of 7D + 7E + 10I | \$470.00 | 16. Stat% of 10J | \$0.00 | |
| 14. Total | \$470.00 | 17. Total | \$0.00 | |
| Amount paid to: County Treasurer for Dog Licenses..... | | | | \$0.00 |
| Amount paid to: Animal Population Control..... | | | | \$50.00 |

| LICENSE SUMMARY | |
|--|----|
| 1. Number of Original Standard Dog Licenses: | 6 |
| 2. Number of Original Purebred Dog Licenses: | 0 |
| 3. Number of Standard Renewals (including New Owner Licenses): | 34 |
| 4. Number of Purebred License Renewals: | 0 |
| 5. Total of Lines 1-3: | 40 |

CEO REPORT 6/24

- 6/3 1 message. Started 5/24 report. Parker review.
- 6/4 Mcphee pool insp. Ok. 5 messages. Signed up for more school.
- 6/5 Issued Parker #1551 for deck. Met w/ Rich at burned out
- 6/6 1 message. 3CO searches. Yearly lawn complaint Lwr. Oak.
- 6/10 Issued solar farm permit for Blodgett Rd. \$5000.00
- 6/11 Harvey rough plumb ok. 4 Messages.
- 6/12 Assesor research. Received more info from Durling.
- 6/13 Got entire packet from Durling and reviewed.
- 6/17 Issued Durling #1554 for pole barn. 3 messages.
- 6/18 Durling mono slab insp. Ok.
- 6/19 CO search for 105 Fitzpatrick Ln. Saw Terrio at his property and explained to him that he needs to continue cleaning up. Said he had a dump trailer for a couple days.
- 6/20 1 message. Called back....AIR B and B >?
- 6/21 1 message ., Second notice Baum.... Not needed . Cleaned up much better.
- 6/24 2 messages. Met with Beshara RE: garage.
- 6/25 Review Pulver (Beshara). Co search 37 Ethan Allen.
- 6/26 Recheck Clark for Nikas. Still a mess. Issue Pulver Garage.
- 6/27 Harvey Framing insp. 2 messages.
- 6/28 on line classes.

I would suggest that our zoning be updated so that only one dwelling can be allowed per lot.



Town of Fort Edward, NY Dog Control

DCO Report June 2024

I do not contract with WCPH to handle 10 day QT bite reports. I do keep track of all reported bites in the town.

VOLUNTEER WORK DONE FOR LAW ENFORCEMENT DUE TO MY BACKGROUND IN ANIMAL WELFARE WORK. THESE ISSUES FALL UNDER ARTICLE 26, NOT ARTICLE 7 OF AG AND MARKET LAW AND THEREFORE ARE NOT UNDER THE AUTHORITY OF A DCO. LAW ENFORCEMENT IS RESPONSIBLE. THERE ARE NO RESOURCES IN WASHINGTON COUNTY FOR LAW ENFORCEMENT TO DEAL WITH ANIMAL ISSUES AND THEREFORE THEY RELY ON VOLUNTEERS AND PRIVATE GROUPS TO ASSIST THEM.

6/7- I received a call in the evening from the emergency vet clinic on exit 17. They needed help finding a rescue to take in a 2 week old puppy. A woman had come in with it claiming to have gotten it from another woman in a pizza shop who had it in a fanny pack. The puppy was not in good condition and she brought it to the vet but was unable to keep it. Law enforcement had no information to use to track down the party of the first part. I was able to secure a spot for the puppy with a local rescue, Almost Home, a 501(c)3 dog rescue registered with NYS Ag and Market and located in Greenwich, Washington Co. NY. The puppy was under strict vet care and diet but the damage was already done and irreversible. The puppy passed away 5 days later.

6/10- I received a call from NYS Troopers who responded to a domestic call and found a puppy under a year old in a crate filled with waste. The puppy was visibly thin, not in the best health and, infested with worms. The woman responsible claimed to only have had the dog a week, having taken it from someone else who was going to abandon it out of their car. The WCS on the scene suggested I be contacted for help as the trooper was looking for assistance with the neglect issue. I made several suggestions on how the issue could be handled and the trooper chose to have me try to find placement for the dog with a private rescue or shelter if the woman would surrender it. I called every shelter from Essex County to Albany County with no luck. Almost Home rescue in Greenwich agreed to take the puppy in. He was tested right away for Parvo and found negative. He is doing very well and has a permanent home. He was named 'Trooper' in honor of the officers who assisted in getting him rescued.

6/17- I shared a heat warning from the Washington County Public Safety and the National Weather Service on the local FB pages of each of my municipalities. I included tips on keeping pets safe in the heat from veterinarians.

6/4- I received a call from a woman who was concerned with chickens and rabbits being kept in cages in a garage on Broadway. She stated the cages were dirty and the animals did not have proper feed or water. She stated there were dead animals. I informed her this did not fall under FE DCO and I would help her out by contacting the WCS and then assisting them if they asked me to step in. The sheriff did visit the scene and reported to me that the animals all had food and water and the cages were clean. He reported that 3 chickens had died due to the extreme heat. He did not see a neglect issue.

6/17- I received a call from a Fort Edward resident who was concerned their neighbor was not properly caring for their dog. The adult son had been seen being rough with the dog and they were concerned since his mother recently passed away and usually cared for the dog. I checked and found the dog was up to date on his license and rabies vaccine. I contacted the WCS who was familiar with the man in question. When the deputy spoke with the witnesses he decided there was not enough to open a neglect/abuse case at this time.

6/22- I received a call from WCS dispatch to report to me that a private party had found a dog on Broadway and reported it. I called back within half an hour and was told the owner had been located and the dog was home.

Shannon Celeste NACI
Fort Edward DCO

**TOWN OF FORT EDWARD
LOCAL LAW NUMBER 2 OF 2024**

**A LOCAL LAW ADDING TO CHAPTER 82 OF THE TOWN CODE A
NEW ARTICLE III ENTITLED “IMPORTATION, DISPOSAL AND/OR
PROCESSING OF SOLID WASTE PROHIBITED IN THE TOWN OF
FORT EDWARD”.**

Be it enacted by the Town Board of the Town of Fort Edward, as follows:

§1. Authority and Applicability.

This local law is adopted pursuant to the authority vested in the Town Board of the Town of Fort Edward pursuant to Municipal Home Rule §10 of the State of New York. It shall apply to the provisions of the Town of Fort Edward Code.

§2. Declaration of Policies and Purpose.

The Town Board of the Town of Fort Edward has reviewed the Code of the Town of Fort Edward and believes that certain additions to the existing code are reasonable and necessary. The recommended additions shall therefore be enacted and authorized pursuant to the provisions of this local law.

§3. Amendments and Revisions.

A new Article III entitled “Importation, Disposal and/or Processing of Solid Waste Prohibited in the Town of Fort Edward” shall be added to the Town of Fort Edward Code and shall be a supplement to Chapter 82. In the event of any inconsistent provisions between said Article III and Articles I and II, the provisions of Article III shall take precedence thereof. The new Article III shall provide the following:

§ 123-1 Legislative Intent

A. By the adoption of this Article, the Board of Trustees of the Town of Fort Edward (hereinafter the “Town Board”) declares its intent to regulate, control and prohibit the importation, disposal and/or processing of solid waste originating from inside or outside of the boundaries of the Town of Fort Edward.

B. In view of the environmental damage that the Town of Fort Edward has experienced by past practices and operations involving the disposal and/or processing of solid waste, both hazardous and nonhazardous, the Town Board finds that restrictions against the importation, disposal and/or processing of solid waste are necessary to be implemented in order to safeguard the public health, safety and general welfare. This Article conveys to the Town Board all necessary and proper powers to ban the importation of solid waste generated from outside of the boundaries of the Town of Fort Edward, and, to prohibit the commencement of any use or operation within the boundaries of the Town of Fort Edward which may include the disposal and/or processing of any solid waste by incineration, landfilling, pyrolysis, or by any other method which may release contaminants into the environment. This Article is an exercise of the Town Board's police power, and it shall be liberally construed to effect this purpose.

C. In order to protect the health and safety of the residents of the Town of Fort Edward, and, to promote the general welfare of the community, the Town Board hereby adopts this new Article III to Chapter 82 of the Town of Fort Edward Code.

§ 123-2 Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

SOLID WASTE: Any waste or waste material not originating within the boundaries of the Town of Fort Edward and generated by or from sources or locations outside the boundaries of the Town of Fort Edward including but not limited to hazardous and nonhazardous waste as may be defined by the New York State Department of Environmental Conservation and/or the United States Environmental Protection Agency.

§ 123-3 Importation, Disposal and/or Processing of Solid Waste Prohibited

It shall be unlawful for any person, firm, corporation or other entity, including any governmental entity or agency, to import solid waste originating from outside of the boundaries of the Town of Fort Edward, or, to dispose of, or process, solid waste within the boundaries of the Town of Fort Edward.

§123-4 Prohibitions Against Any Operation Which May Release Contaminants into the Environment

It shall be unlawful for any person, firm, corporation or other entity, including any governmental entity or agency, to commence or maintain any use or operation which includes the disposal or processing of solid waste by incineration, landfilling, pyrolysis, or any other method which may release contaminants into the environment.

§123-5 Waivers.

(a) Should any owner of property affected by this local law suffer an unnecessary hardship in the way of carrying out the strict letter of this local law, then the owner of said property may apply to the Town Board in writing for relief from strict compliance with this local law upon submission of proof of such unnecessary hardship. For the purposes of this local law, the definition of unnecessary hardship shall be determined in the sole discretion of the Town Board.

(b) Substantive requirements: No relief shall be granted hereunder unless the Town Board shall specifically find and determine, in its sole and unqualified discretion, and shall set forth in its resolution granting such waiver, that:

1. Failure to grant a waiver to the petitioner will cause the petitioner substantial, irrevocable and unnecessary hardship, which hardship is substantially greater than any harm to the general public welfare resulting from the granting of the waiver; and
2. The grant of the waiver will clearly have no adverse effects upon any of the Town's goals or objectives in adopting this local law.

(c) Procedure: Upon submission of a written application to the Town Clerk by the property owner seeking relief from this local law, the Town Board shall, within 30 days of receipt of said application, schedule a public hearing on said application upon ten (10) days written public notice. At said public hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard. The Town Board shall, within 30 days of the close of said public hearing, render its decision either granting or denying the application for relief from the strict requirements of this local law, or, it may impose any conditions on any waiver grant that it may deem appropriate.

(d) An application for relief from the prohibitions of this local law shall be accompanied by the applicant's written undertaking, in a form to be approved by the Town's attorney, to pay all expenses of the Town Board, including the fees of any attorney or consultant retained by the Town Board to evaluate and consider the merits of such application.

§123-6. Violations and Permits Issued in Violation of this Local Law.

(a) Any person violating or attempting to violate this Local Law shall be guilty of a violation pursuant to the Penal Law of the State of New York and be punishable by a fine not exceeding \$1,000.00 or by imprisonment for a term not exceeding 15 days or by both such fine and imprisonment. For each twenty-four hour period such violation continues, every such person shall be deemed guilty of a separate offense and shall be considered a continuing violation until the violation is corrected or ceased. Where the person committing such violation is a partnership, association or corporation, the principal executive officer, partner, agency or manager may be considered to be the "person" for the purpose of this section.

(b) Alternative remedy:

In the case of any violation or threatened violation of any of the provisions of this Local law, in addition to other remedies herein provided, the Town Board may institute any appropriate action or proceeding, or combination thereof, either judicial or equitable, to prevent or enjoin such violation or threatened violation and to collect penalties or fines assessed hereunder. No remedy or penalty specified herein shall be the exclusive remedy available to address any violation described in this Local Law. Each remedy or penalty specified herein shall be in addition to, and not in substitution or limitation of, any other remedies or penalties specified in this Code or in any other applicable law.

(c) Stop-work order:

(1) The Town Board herein grants the Code Enforcement Officer the administrative responsibility of determining in the first instance whether a violation has occurred or threatened violation is about to occur and to immediately terminate or prevent such violation or threatened violation by posting a stop-work order, or cease and desist order, on the premises wherein the violation has occurred or threatened violation is about to occur.

(2) The stop-work order or cease and desist order shall serve notice to the owner, builder, developer, agent and/or any other individual or business on or using the premises that all such actions specified in the order must be terminated immediately.

(d) In the event the Town Board is required to take legal action to enforce this Local Law, the violator will be responsible for any and all costs incurred by the Town relative thereto, including but not limited to attorney's fees, and such amounts as may be determined and assessed by the Court. If such expense is not paid in full within 30 days from the date it is determined and assessed by the Court, such expense shall be charged to the propert(ies) within the Town on which the violation occurred, by including such expense in the next annual Town tax levy against such property, and such expense shall be a lien upon such property until paid.

§123-7 Conflict with State Statutes and Authority to Supersede.

To the extent that any provisions of this Local Law are in conflict with or are construed as inconsistent with the provisions of any local law of the Town of Fort Edward, or any laws of the State of New York, this Local Law supersedes, amends and takes precedence over any inconsistent authority in accordance with the Municipal Home Rule Law. This Local Law specifically supercedes Town Law and any other New York State or local laws, rules or regulations pertaining to the granting of any variance authority to the Zoning Board of Appeals, it being the intention of this Local Law that any authority to grant variances or waivers by any boards or bodies other than the Town Board is hereby superceded by this Local Law so as to vest any authority to approve a variance or waiver from this Local Law solely in the Town of Fort Edward.

§123-8 Severability.

If any clause, sentence, phrase, paragraph or any part of this Local Law or the application thereof to any person or circumstance shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the provisions of this Local Law or the application thereof to any persons or circumstance, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the

remainder of this Local Law would have been duly adopted had any such invalid application or provisions been excluded.

§123-9 Effective Date.

This Local Law shall become effective upon filing in the Office of the NYS Secretary of State in accordance with Section 27 of the Municipal Home Rule Law

Dated: June , 2024

BY ORDER OF THE TOWN BOARD OF
THE TOWN OF FORT EDWARD