

MINUTES OF THE TOWN OF FORT EDWARD TOWN BOARD MEETING HELD ON TUESDAY, FEBRUARY 18, 2025, AT TOWN HALL COMMENCING AT 7:00 P.M.

Supervisor Fisher called the meeting to order at 7:00pm

Pledge of Allegiance

PRESENT: Councilman Middleton
Councilwoman Mullen
Supervisor Fisher

ABSENT: Councilwoman Collier
Councilman Suprenant

OTHERS PRESENT: Elizabeth O’Leary, Brian Brockway, Steve Davie, Katie DeGroot, Kyle Cozzens, Roseanne Lemery, Sandy Foley, Chuck Bump, Tyler Kovatch, Brittany Staszak, Hugh Stevens, Evan Callahan, Don Sanders, Jr., Ben Bramlage, Town Attorney Bill Nikas and Town Clerk Aimee Ives.

APPROVAL OF MINUTES: MOTION by Councilwoman Middleton, Seconded by Councilwoman Mullen to approve the minutes of the organizational & regular meeting held January 13, 2025 **ALL AYES**

APPROVAL OF REPORTS: MOTION by Councilwoman Mullen, Seconded by Councilman Middleton to approve the reports of the Town Clerk, Dog Control Officer, Town Justice, Building Inspector, Highway and Supervisor as submitted **ALL AYES**

APPROVAL OF BILLS: MOTION by Councilman Middleton, Seconded by Councilwoman Mullen to approve Abstract #2 in the amount of \$52,204.92 **ALL AYES**

ABSTRACT #2

GENERAL A – 13082-13092, 13100-13122	\$24,424.20
GENERAL B – 13123-13136	\$ 8,974.50
HIGHWAY – 13137-13144	\$12,457.40
MUNICIPAL – 13093-13094,13145-13149	\$ 3,541.32
SPECIAL WATER – 13095-13097,13150-13155	\$ 2,597.24
SPECIAL WATER 2 – 13098-13099,13156-13158	\$ 210.26

TOTAL: \$52,204.92

BUSINESS:

**CS Energy
Dolan & Somers Solar Project Updates**

Evan Callahan: The Dolan Solar project has been making steady progress toward construction, and I would like to introduce Brittany Staszak and Hugh Stevens from the Clean Choice Energy team. Clean Choice Energy will be the long-term owner/operator of Dolan going forward. We are currently planning to get on site next week to do tree cutting. We have committed to the Town to clear trees that are greater than 4” on diameter before the end of March; we will just be cutting the trees, no stump removal, no ground disturbance. We will be clearing 39.97 acres of trees for the project. We always have the landscaping agreement for Dolan; the Planning Board requested an additional bond put in place to cover the costs of landscape maintenance and repair as needed. We will monitor the site regularly for overgrowth or if any trees weren’t established well. Outside of that if the Town notices anything like that they can issue notice to the project company and then the project company has 60 days to either cure or provide reasonable explanation as to why it cannot be cured in that 60-day period which will typically be weather related. To go along with the landscaping bond we also have a landscaping agreement which has been reviewed by the Town Attorney and countersigned by Clean Choice. It has been requested that we post the Decommissioning security and the Decommissioning bond prior to commencing that work and Brittany has the bonds here tonight for review.

MOTION by Councilman Middleton, Seconded by Councilwoman Mullen to authorize Supervisor Fisher to sign the landscaping agreement for the Dolan Solar Project **ALL AYES**

Evan Callahan: We also have a similar agreement for the Somers Solar project. We are working hard to get this on the same timeline as the Dolan project. We are working with a finance company now that hopefully will be the owner of the project, but it has not been finalized yet. Our hope is to take the same approach that we are taking with Dolan and get on site in March. There is less tree clearing for the Somers project but we would like to get the landscaping agreement in place as a condition of the permit. The Somers agreement is a little more involved than the Dolan agreement in that we have some tree plantings in the Towns right of way and there is language in the agreement that speaks to the process that would take place if the Town were to cut down trees that we planted. If the Town were to go through and clear those trees then we would be of no obligation to replace them. We worked with Gailor Ground and Earthworks throughout the site plan process to determine the best species for the area.

MOTION by Councilwoman Mullen, Seconded by Councilman Middleton to authorize Supervisor Fisher to sign the landscaping agreement for Somers Solar Project **ALL AYES**

Evan Callahan: We should have the PILOT to review in the next couple weeks and building permit and SWPPP submission around June.

OTHER BUSINESS:

Brian Brockway:

- I got a load of salt just before the storm that is almost gone, I ordered another load on Friday; they didn’t deny it but they didn’t say when we would get it either. The contract says 3 days and it’s been 3 days and we haven’t received anything. According to Deb Donahue at the County DPW, once they deny you if you go to someone else for salt then

they are responsible for the difference in the contract price. I ordered 300 ton in March when you have to order it and I'm at 130 ton right now and they are out of salt.

Supposedly the State just got 15 trailer loads.

- The Canal didn't plow Lock 8 Way the last storm. I spoke with Malcolm from the Canal Corp. and he assured me they would keep plowing it; due to the salt shortage they won't salt it and I told him to call me and we will come put sand down. If it becomes an issue, when Dave O'Brien was head of the IDA we signed a contract with them for \$3,700.00/mile. Since that contract was signed, according to the County it's \$6,800.00/mile now. I also spoke with Jim Hogan at the County and he suggested we get a shared services agreement with the IDA on that road.

Councilman Middleton: According to the IDA we own the road.

Bill Nikas: There is nothing showing that. The EPA turned over a portion of it to the Canal Corp and there is a filed map. You can't make an agreement with someone that doesn't own it. IDA would like to meet next week to discuss the proposed water district and you can bring this up to them at that time.

Councilman Middleton: I reviewed the report from Pittsburg Tank and what are we talking dollar wise for the recommendations you think we should do?

Brian Brockway: I marked all of the ones I thought needed to be done, there were a few recommended by OSHA as well as a few serious ones they thought should be done. They want to move the antenna wires that are tied to the ladder. I don't feel that it is our responsibility, whoever owns the antennas should be moving them.

Supervisor Fisher: We will review the report with the full Board and Brian and come up with a plan.

PUBLIC COMMENT:

Kyle Cozzens: Who is responsible for clearing the crosswalks and curb cuts of snow and ice on upper Broadway in the Town? Is it the Town or the property owner?

Brian Brockway: Property owner.

Kyle Cozzens: I know the Village Code says if the sidewalks aren't cleared within 7 hours then the Village can clear them and bill the property owner. Is there something like that in the Town Code? I ask because as I am driving in the last couple of days I notice that all the upper Broadway crosswalks are either still a snowbank or poorly cleared which is a safety and accessibility issue with people trying to get to the County Building and the Grocery Store.

Brian Brockway: There is no ruling in the Town, when the storm is over we try to go up and clear the sidewalks and open up the bus stops but they have worked 20 hours of overtime since

Friday and we have been dealing with drifts all day today. The trouble is that when they re-did Route 4 last time they signed an agreement with the former Town Supervisor that the State is only responsible from curb to curb. They dumped all the sidewalks on the Towns and the residents.

Kyle Cozzens: I have noticed it not just this winter but past winters in the Town and Village. These areas need to get cleared so that people can cross the road safely. I don't know what needs to be done to make that happen. Make sure the property owners know that they have to clear them.

Supervisor Fisher: The property owners know that. This storm was tough due to all the ice.

Kyle Cozzens: I have been out clearing it at the shop.

Supervisor Fisher: Then you know how hard it is to get rid of it, this was not like a regular storm. I think we need to give people time to get it cleared up, they aren't going to be able to get it done right away because it's not easy to do.

Chuck Bump: I stayed until 3am the other morning trying to get those sidewalks and crosswalks cleared but there is just too much ice.

Kyle Cozzens: The problem stems from the property owners not getting out there in time as well, I have been out chipping away at the ones at the bike shop and the train station and I also get the snow from the plows coming around the corner and I made it happen. There are people that rely on these sidewalks whether by choice or necessity.

Ben Bramlage: I am wondering if anyone on the Town Board is aware that ESMI's Solid Waste Permit has been submitted for renewal, it's a 10 year permit and was submitted 3 weeks ago. It is one of the 2 permits that general operations fall under. The permit is set to expire in July of 2025. Currently it is listed on the DEC's public website. I don't know if in the renewal process the public or local electives will have the opportunity to make comments or review anything or if it will just go through as a renewal without modification. I left a message for the Mayor today as well.

Bill Nikas: Do you have a concern about a renewal if there is no modification requested?

Ben Bramlage: My concern is where that renewal falls in the cumulative impacts law which is a brand new law.

Bill Nikas: Can you put that in a narrative form for the Board? We could ask DEC to respond to it. We are already on record opposing the PFA process.

Ben Bramlage: 10 years ago when it was renewed, cumulative impacts wasn't on anyone's radar. I know that the air quality permit that was renewed last year falls under cumulative impacts anyway and I think that is one that would have to be looked at because the emissions are not going to be restricted to the facility or 100 yards from the facility. Solid waste is a little

more contained but at the same time their bulk material yard is within the Town. Questions that have come up in the PFA's process are regarding stormwater control, leeching control, testing, etc. of the stockpiled material as a direct impact on the Town. If you have contaminants leeching off of that then it will end up in the Canal and where is that going. Those are the cumulative impacts.

Katie DeGroot: Wasn't there also a question about flood plains?

Ben Bramlage: Yes, the whole site sits on either a DEC or Federally mapped flood plain. The County has it as a flood risk area.

Tyler Kovatch: I live on McIntyre St. in the Town and am looking for information on obtaining property from my neighbors to combine with my property.

- Subdivision & Boundary Line Adjustment information was given

RESOLUTIONS:

RESOLUTION NUMBER 11 OF 2025

MOTION BY COUNCILWOMAN MULLEN

SECONDED BY COUNCILMAN MIDDLETON

WHEREAS, Town Boards are required by Town Law to audit the financial records of the Town Clerk, Tax Collector and Town Justice.

NOW, THEREFORE BE IT RESOLVED, that the Fort Edward Town Board audited the financial records of the Town Justice, Town Clerk and Tax Collector for the fiscal year January 1, 2024 through December 31, 2024 at a special meeting held on January 24, 2025.

DATED: February 18, 2025

Roll Call Vote: Councilman Middleton - AYE
 Councilwoman Mullen - AYE
 Councilwoman Collier - ABSENT
 Councilman Suprenant - ABSENT
 Supervisor Fisher - AYE

CORRESPONDENCE:

Supervisor Fisher: We received the Town Historians Report for 2024. They are looking for volunteers at the Museum.

Supervisor Fisher: We received an update on the Founders Day Parade from David Earsing and they are looking for volunteers also to help with the planning of the parade.

ADJOURNMENT:

MOTION by Councilman Middleton, Seconded by Councilwoman Mullen to adjourn the meeting at 7:52pm **ALL AYES**

Dated: February 20, 2025

Aimee Ives, Town Clerk