

**MINUTES OF THE TOWN OF FORT EDWARD TOWN BOARD MEETING HELD ON MONDAY, MARCH 11, 2019 AT TOWN HALL COMMENCING AT 7:00PM**

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

**PRESENT:** Supervisor Middleton  
Councilman Orsini  
Councilman Mercier  
Councilwoman Mullen  
Councilman Fisher

**OTHERS PRESENT:** Michael Goot (The Post Star), Frank Burkhardt, Brian Brockway, Elizabeth O’Leary, Todd Humiston and Town Attorney Donald Boyajian, Sr.

**APPROVAL OF MINUTES: MOTION** by Councilman Orsini, Seconded by Councilman Mercier to approve the minutes of the meeting of February 11, 2019 **ALL AYES**

**APPROVAL OF REPORTS: MOTION** by Councilman Fisher, Seconded by Councilwoman Mullen to approve the following reports: Town Clerk Monthly, Town Justice, Building Inspector/Code Enforcement Officer, Zoning Officer, Highway & Supervisor’s Report **ALL AYES**

**APPROVAL OF BILLS: MOTION** by Councilman Orsini, Seconded by Councilman Mercier to approve Abstract #3 in the amount of \$101,104.58 **ALL AYES**

**ABSTRACT #3**

<b>GENERAL A: 8102-8104, 8113-8137</b>	<b>\$56,758.12</b>
<b>GENERAL B: 8138-8143</b>	<b>\$ 8,226.15</b>
<b>HIGHWAY: 8144-8156</b>	<b>\$10,950.68</b>
<b>MUNICIPAL: 8157-8162</b>	<b>\$ 1,975.55</b>
<b>SPECIAL LIGHTING: 8105-8106,8109-8110,8163</b>	<b>\$ 5,495.46</b>
<b>SPECIAL WATER: 8107-8108,8111,8164-8169</b>	<b>\$ 1,234.97</b>
<b>SPECIAL WATER 2: 8112,8170-8173</b>	<b>\$16,463.65</b>

**TOTAL: \$101,104.58**

**BUSINESS:**

- Stephen Davie has resigned from the Board of Assessment Review so we will need to appoint a new member.
- Keystone Novelties Distributors, LLC has applied for a 6 month hawking & peddling permit to sell Fireworks in the Broadway Lanes parking lot.

**MOTION** by Councilman Mercier, Seconded by Councilman Fisher to approve the hawking &

peddling permit for Keystone Novelties Distributors, LLC for a 6 month period beginning March 11, 2019 and ending on September 11, 2019 **ALL AYES**

**PUBLIC COMMENT:**

**Frank Burkhardt:** Is anything going to happen before Friday's County meeting regarding WCC?

**Supervisor Middleton:** Nothing can happen until the County passes the resolutions.

**Frank Burkhardt:** What was the consensus on taking it off the tax rolls with the 1138?

**Supervisor Middleton:** The Supervisor's will vote on it Friday.

**Frank Burkhardt:** If there is an agreement reached will it be on the tax rolls?

**Supervisor Middleton:** The 1138 is a last resort.

**Frank Burkhardt:** If that happens the residents will suffer, there is a lot at stake that would be a huge tax burden. Why not foreclose on the property?

**Supervisor Middleton:** I do not want to speculate but the Treasurer did not want that.

**Frank Burkhardt:** How did you vote? Can I ask that?

**Supervisor Middleton:** I voted to move the resolutions to the full board. There are 3 resolutions: 1) Waive fines and penalties, 2) Pause button, 3) 1138 if no agreement is reached by April 1, 2019.

**Frank Burkhardt:** What does the Town owe?

**Supervisor Middleton:** I do not want to discuss that until the Town Board is aware.

**Todd Humiston:** The State review is tomorrow and also I am working on setting up the dog safety at the school. We need to look at a change to the dog law for criminal matters as far as seizing dogs. We should only be holding dogs for safe keeping in the case of a fire or a medical emergency. We need to have our own local law relative to that as well as let the police know and I have a draft letter I can provide.

**Brian Brockway:** We have been busy with potholes, drains and keeping water off the roads.

**Supervisor Middleton:** I would again like to compliment the Highway Department on the great job they are doing with the roads. I receive compliments from the public quite a bit.

**MOTION** by Councilman Orsini, Seconded by Councilman Mercier to enter into executive session at 7:15pm to discuss pending litigation **ALL AYES**

**MOTION** by Councilman Mercier, Seconded by Councilman Orsini to come out of executive session and go back into regular session to pass a resolution regarding the pending litigation at 7:28pm **ALL AYES**

Back in Regular Session at 7:29pm

**RESOLUTIONS:**

**TOWN OF FORT EDWARD TOWN BOARD**

**RESOLUTION NO. 11 OF 2019**

**MOTION BY COUNCILMAN ORSINI**

**SECONDED BY COUNCILMAN FISHER**

**Resolution authorizing the Supervisor to enter into a settlement in *WCC, LLC. v. Roseanne Lemery, Assessor of the Town of Fort Edward, New York and The Board of Assessment Review of the Town of Fort Edward, New York***

**WHEREAS**, WCC, LLC has filed Article 7 actions in Washington County Supreme Court for the 2016 tax year under Index Number 0026232/2016; the 2017 tax year under Index Number 0027581/2017; and 2018 tax year under Index Number 100121/2018, each entitled *WCC, LLC. v. Roseanne Lemery, Assessor of the Town of Fort Edward, New York and The Board of Assessment Review of the Town of Fort Edward, New York* (the “Litigation”); and

**WHEREAS**, the subject of the Litigation were the parcels bearing S.B.L. Numbers 163.15-1-4 and 163.-2-20.1 (collectively, the “Property”); and

**WHEREAS**, after discussions and review with the Town Assessor, it was deemed that a reduction in the roll would be appropriate; and

**WHEREAS**, the parties have tentatively agreed to a settlement valuing the Property as follows:

**Tax Map No. 163.15-1-4**

Year	Assessed Value (“AV”)	Agreed AV	Reduction in Assessment
2016	\$29,658,800	\$3,045,000	\$26,613,800
2017	\$16,024,000	\$2,940,000	\$13,084,000
2018	\$16,024,000	\$3,440,000	\$12,584,000

**Tax Map No. 163.-2-20.1**

Year	AV	Agreed AV	Reduction in Assessment
2016	\$42,951,800	\$5,655,000	\$37,296,800
2017	\$21,441,000	\$5,460,000	\$15,981,000
2018	\$21,441,000	\$4,560,000	\$16,881,000

**WHEREAS**, the settlement is subject to the Town Board and School Board approvals; and

**WHEREAS**, the Town Board of the Town of Fort Edward finds the aforementioned values for the Property satisfactory; and

**WHEREAS**, the material terms of the settlement are subject to approval by the parties' respective counsel; and

**WHEREAS**, the Town Board authorizes counsel for the Town, Hodgson Russ LLP, to finalize the terms of the settlement in a stipulation and execute the same; and

**WHEREAS**, the Town Supervisor is authorized to execute the stipulation on behalf of the Town.

**NOW THEREFORE BE IT RESOLVED** by the Town Board of the Town of Fort Edward that:

1. The settlement values for the Property proposed by the parties listed above are sufficient for authorizing the Supervisor to enter into a stipulation of settlement.
2. The stipulation memorializing the values as listed above, and which will include other material terms, shall be subject to the approval of counsel for the Town, Hodgson Russ, LLP.
3. Counsel for the Town, Hodgson Russ LLP, is authorized to act in any and all ways necessary to effectuate the settlement of the Litigation and execute the stipulation once finalized.
4. The Town Supervisor is authorized to execute the finalized stipulation on behalf of the Town.
5. This Resolution shall be effective immediately upon its adoption.

**PASSED AND ADOPTED** by the Town Board of the Town of Fort Edward on March 11, 2019.

Dated: March 11, 2019

Vote: Councilman Orsini - AYE  
Councilman Mercier - AYE  
Councilwoman Mullen - AYE  
Councilman Fisher - AYE  
Supervisor Middleton - AYE

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Aimee Mahoney, Town Clerk

**ADJOURNMENT:**

**MOTION** by Councilman Orsini, Seconded by Councilman Mercier to adjourn the meeting at 7:34pm **ALL AYES**

DATED: March 13, 2019

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Aimee Mahoney, Town Clerk