

**MINUTES OF THE TOWN OF FORT EDWARD TOWN BOARD MEETING HELD ON MONDAY, MAY 9, 2022 AT TOWN HALL COMMENCING AT 7:00 P.M.**

Supervisor Fisher called the meeting to order at 7:00 p.m.

Pledge of Allegiance

**PRESENT:** Supervisor Fisher  
Councilman Suprenant  
Councilwoman Collier  
Councilwoman Mullen

**ABSENT:** Councilman Middleton

**OTHERS PRESENT:** Steve Davie, Elizabeth O’Leary, Brian Brockway, Richard Belden, Lori Benson, Peter Ives, Mike Dickinson, Melanie Dickinson, Therese Gillis, Roseanne Lemery and Town Clerk Aimee Mahoney

**APPROVAL OF MINUTES: MOTION** by Councilwoman Mullen, Seconded by Councilwoman Collier to approve the minutes of the regular meeting of April 11, 2022 **ALL AYES**

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

**APPROVAL OF BILLS: MOTION** by Councilman Suprenant, Seconded by Councilwoman Collier to approve Abstract #5 in the amount of \$31,115.78 **ALL AYES**

**ABSTRACT #5**

<b>GENERAL A: 10717-10727,10740-10755</b>	<b>\$ 5,845.62</b>
<b>GENERAL B: 10756</b>	<b>\$ 43.50</b>
<b>HIGHWAY: 10757-10776</b>	<b>\$15,373.09</b>
<b>MUNICIPAL: 10733-10734,10777-10780</b>	<b>\$ 4,909.50</b>
<b>SPECIAL LIGHTING: 10728-10732</b>	<b>\$ 3,367.24</b>
<b>SPECIAL WATER: 10735-10737,10781-10785</b>	<b>\$ 990.78</b>
<b>SPECIAL WATER 2: 10738-10739,10786-10787</b>	<b>\$ 586.05</b>

**TOTAL: \$31,115.78**

**BUSINESS:**

**MS4 Public Hearing  
Meeting Date**

**MOTION** by Councilman Suprenant, Seconded by Councilwoman Collier to set the MS4 public hearing on June 13, 2022 at 6:50pm **ALL AYES**

**Local Law #1 of 2022  
Public Hearing Date**

**Supervisor Fisher:** We are proposing a Local Law amending the fee schedule to allow the Town Board to adopt a resolution implementing revisions and amendments to the fee schedule rather than adopting a local law and holding a public hearing.

**MOTION** by Councilman Suprenant, Seconded by Councilwoman Mullen to set a public hearing on June 13, 2022 at 6:55pm to hear comments on Local Law #1 of 2022 **ALL AYES**

**CORRESPONDENCE:**

**Supervisor Fisher:** We received a letter from NYSDOT regarding a posting issue on the East St. bridge over the Champlain Canal. A load rating analysis was performed leaving the following 2 options: Down post to 15 tons or reduce the bridge crossing speed to 5mph; leaving the 18 ton posting in place.

**Brian Brockway:** We have ordered the signs to reduce the speed limit and notified DOT.

**Mike Dickinson:** Why don't police ticket trucks that are overweight?

**Councilman Suprenant:** That would have to be the State Police because they have scales for that.

**Supervisor Fisher:** The pool is coming along and Carrie Woerner is trying to get us \$40,000.00 for planning and renovation of downtown.

**Peter Ives:** Someone needs to stay on top of Jim Thatcher so we can get the \$100,000.00 from Betty Little. We have been working on that for 2 years.

**Supervisor Fisher:** Have we given the check to the Library yet?

**Aimee Mahoney:** No because the motion was contingent on the Village giving them \$6,000.00 as well.

**MOTION** by Councilman Suprenant, Seconded by Councilwoman Mullen to rescind the former motion to give \$6,000.00 to the library contingent on the Village giving them \$6,000.00 also and remove the contingency and give the library \$6,000.00 to help with their new ventilation system **ALL AYES**

**Brian Brockway:** The tentative date for taking the trees down at the Breton Lane cemetery is May 23<sup>rd</sup>.

**Peter Ives:** Have we found out what we would save by changing the street lights over to LED? Right now we are averaging about \$4,000.00 per month in lighting costs which will put us over budget by about \$11,000.00.

**Supervisor Fisher:** We will reach out to NYSERDA to find out because the contact we had when they proposed the switch over is no longer and we can't seem to get an answer.

**Supervisor Fisher:** I received an e-mail from Jeff Gorman regarding them buying the AC Power lease; he said he has given it some thought and the best way to think about it is like the Town is selling an easement. Have they done this with any other Towns?

**Roseanne Lemery:** No, I asked him that specifically and he said he did not believe they had done this with any other municipality's just private businesses. His recommendation first was for Spitzer from HodgkinsRuss and out Town Attorney to talk about the Comptroller issue.

**Councilman Suprenant:** The question is whether or not it is legal for them to buy out our lease?

**Roseanne Lemery:** Not so much legal but how the State Comptroller's Office would view it. The question that came from the lawyer was are we selling an asset or getting rid of an asset that is not at fair market value? The suggestion was that we should get an appraisal which we have already done. We know from the appraisal what the value of the land is so we would not have been leasing it or selling it below fair market value because with the dollar amount we are getting vs. what the value of the property is as of this time which is around \$600,000.00 and we are going to get \$1 million. That being said, the payments equal \$2.4 million if we took it over 35 years so it's about \$.40 on the dollar. Jeanie had asked in an e-mail if there was a connection between the 2 companies so I asked him and he said no, the woman who came and presented to us is a friend of his and she knows that he works for a company that buys our leases and that was strictly just an introduction to us. AC Power is fine the way it is, they have no problems with us doing what we are doing; they have no problems if we sell it out and they make their payments to their company instead of us. My question to him was aren't you buying the lease? He said no we are getting an easement from the Town over that land. It's an easement vs. buying out a lease although it was presented as a lease buyout to us. There are a lot of legal questions that need to be answered. I would suggest that Jeff contact their attorney at their expense and have their attorney speak to our attorney.

**Councilman Suprenant:** I don't know how many times when I was Supervisor that companies would contact us to buy our cell tower leases on the water tower. How is that different than what is going on right now?

#### **PUBLIC COMMENT:**

**Steve Davie:** Any update on the dewatering facility property?

**Supervisor Fisher:** The last discussion up at the County was about the bridge. The bridge is actually in the Town of Kingsbury and needs to be replaced from my understanding before anyone can go in there.

**Councilman Suprenant:** That depends on who you talk to.

**Supervisor Fisher:** According to the WWIDA the bridge has to be replaced. It is a temporary Bailey Bridge.

**Richard Belden:** That Bridge will last 100 years; they used Bailey Bridges all through WWII.

**Therese Gillis:** It is only 1 lane of traffic right?

**Supervisor Fisher:** Yes and Whitehall needs a bridge somewhere and the County is talking to the WWIDA about purchasing that bridge if the WWIDA ends up replacing it.

**Councilman Suprenant:** Any bridge that is over 25 feet long is the County's responsibility.

**Supervisor Fisher:** Warren/Washington Counties own that bridge right now so there was discussion about it possibly going to Whitehall and WWIDA owns the road.

**Roseanne Lemery:** Why do they want the Town to take over the road?

**Councilman Suprenant:** They don't have the capabilities of plowing or anything like that.

**Supervisor Fisher:** We could utilize the CHIPS money if we take the road over; we are not taking the bridge over that is the Town of Kingsbury. We were going to plow the road this year but Canal Corp. plowed it before we even got up there. Canal Corp. has to get in there so they have been plowing it themselves.

**Peter Ives:** Why can't they use the Lock 8 road to get in there?

**Councilman Suprenant:** The trucks wouldn't be able to get in and out with the corner.

**Therese Gillis:** How would the Town be responsible to plow Lock 8 Way if it's in the Town of Kingsbury? Is there money to be made if you guys plow the road?

**Supervisor Fisher:** The money we would get is the CHIPS money because that would be more road that we would have. We would all benefit if we could get somebody in there and build up the tax base which is essentially why we are interested in doing it. It hasn't gone to that point yet because the bridge hasn't been fixed.

**Councilman Suprenant:** After the bridge it is in the Town of Fort Edward, the bridge actually has 2 way traffic on it. Down further by the culvert it goes to 1 lane because of historical significance.

**Mike Dickinson:** If we have a planning board then why aren't we ahead of everything that's happening in the industrial site?

**Councilman Suprenant:** If someone is going to go in there they would have to put in an application and then the planning board gets involved.

**Mike Dickinson:** So what are they planning then?

**Councilman Suprenant:** They aren't planning anything; before anyone goes in there they have to go before the planning board.

**Supervisor Fisher:** Just like WL Plastics, that was starting to make its way and then it collapsed.

**Mike Dickinson:** But our planning board does plan, we have a plan correct?

**Councilman Suprenant:** Yes, we have a Master Plan.

**Mike Dickinson:** As it applies to the industrial area?

**Councilman Suprenant:** Yes

**Therese Gillis:** Is the planning board who I would ask to reach out to the Canal Corp. to try to get ahead of information before that lands? The wharf is not part of IDA so I question if that would fall under the Town noise ordinance also if you could reach out to Canal Corp. to find out about getting the gate open at Lock 8 coming from East St. where we used to be able to walk. I cannot get any response from them at all.

**Councilman Suprenant:** We can contact Joe Maloney at Canal Corp. but the planning board would be in charge of putting restrictions on projects down there.

**Supervisor Fisher:** For the dredging project the planning board had no say because that was an EPA project and they do not need Town approval. Now, anything that goes on down there has to go through the planning board.

**Therese Gillis:** Does anything on the wharf have to go through the planning board also?

**Aimee Mahoney:** Anything in the site plan has to go through the planning board. If they are running an operation on that wharf then the planning board can set restrictions on hours, noise, they can make them do all kinds of studies which is all part of the site plan review process.

**Therese Gillis:** Does anyone know what is going on with Clean Earth; it is very quiet out there? It used to be ESMI. They aren't burning anything and they usually operate 24 hours a day.

**Mike Dickinson:** They got a pilot program, I don't know if that's what they have been doing the last 2 weeks but they got a program where they can spread soil that's contaminated with PFOA and add a chemical to it which is supposed to draw the PFOA's out and then they can dispose of that soil safely. Why would we let them have a pilot to do that here? Haven't we poisoned Fort Edward enough? The EPA gave them that permit.

**Councilman Suprenant:** Where are they spreading it?

**Mike Dickinson:** On the floor in the facility.

**Therese Gillis:** Are you guys not interested in finding out about Hughes Energy before that hits your doormat?

**Councilman Suprenant:** I have read all about the company and basically they have no money of their own. They look for investors.

**Therese Gillis:** If they are the ones that end up coming in here is there any way you can stop them from getting 10 year tax abatement through IDA?

**Roseanne Lemery:** The IDA doesn't grant PILOTS to anybody.

**Therese Gillis:** IDA gives them the application so they can apply for that.

**Roseanne Lemery:** That doesn't mean that the Town gives it to them.

**Therese Gillis:** Can the Town refuse to give it to them?

**Councilman Suprenant:** They can if they want to get in a court battle like Queensbury just did and lost.

**Therese Gillis:** If Hughes does come in here you won't even get tax dollars for 10 years.

**Councilman Suprenant:** Yes we will, a PILOT doesn't mean they don't pay any taxes. PILOT is a payment in lieu of taxes.

**Melanie Dickinson:** What if they go in and stay 5 years and go bankrupt and you never get your money back?

**Councilman Suprenant:** The county will make the town, village & school whole and end up with the property and sell it at a tax sale and get their money back that way.

**Lori Benson:** Hughes Energy has not contacted Region 5 DEC as of Friday and I know that DEC has 5 major concerns with the one proposed in the Catskills.

#### **OTHER BUSINESS:**

**Brian Brockway:**

- Keith Griffin called to see about getting trees taken down at the freight house.
- I need approval to go to Highway School June 6<sup>th</sup>-8<sup>th</sup> in Ithaca.

**MOTION** by Councilman Suprenant, Seconded by Councilwoman Mullen to approve Highway Superintendent Brian Brockway to attend Highway School in Ithaca June 6<sup>th</sup>-8<sup>th</sup> **ALL EYES**

**Brian Brockway:** The State sent \$156,500.00 so far in CHIPS money; it doesn't include the new Governor's POTS money. According to what Peckham told me, if we have \$23,000.00 in winter recovery we will get close to that. I don't know why she started something new instead of just including it in CHIPS. Peckham was there today and measured East St. from the bridge out to Brownell's, the rest of Blackhouse to complete that road, a piece of Cary Rd. from Route 4 to the bridge at Keith Griffin's, and a spot on DeGroot Rd. where the State put the new ramps in. I don't know what his numbers are going to be. He said right now it is up about \$2/ton.

**Elizabeth O'Leary:** Is there an update on the basketball hoops in Fort Miller?

**Brian Brockway:** They are on back order.

**ADJOURNMENT:**

**MOTION** by Councilman Suprenant, Seconded by Councilwoman Collier to adjourn the meeting at 8:24pm **ALL AYES**

Dated: May 11, 2022

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Aimee Mahoney, Town Clerk