

MINUTES OF THE TOWN OF FORT EDWARD TOWN BOARD MEETING HELD ON MONDAY, MAY 13, 2019 AT TOWN HALL COMMENCING AT 7:00PM

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

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

OTHERS PRESENT: Gwendolyn Craig (The Post Star), Brian Brockway, Donna Brockway, Richard Belden, Tom Plude, Elizabeth O’Leary, Todd Humiston, Melissa Davidson (Northern Insuring), Theresa Rose, Derek Lyons and Town Attorney Donald Boyajian, Jr.

APPROVAL OF MINUTES: MOTION by Councilman Mercier, Seconded by Councilman Orsini to approve the minutes of the regular meeting of April 8th and the special meeting of April 17th **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 Fisher to approve Abstract #5 in the amount of \$79,179.23 **ALL AYES**

ABSTRACT #5

GENERAL A: 8258-8261,8269-8287,8318	\$27,179.91
GENERAL B: 8288-8297	\$10,066.68
HIGHWAY: 8298-8309	\$15,418.29
MUNICIPAL: 8266,8310-8317	\$ 4,490.53
SPECIAL LIGHTING: 8263-8264, 8319-8321,(8329-8330)	\$ 2,460.12
SPECIAL WATER: 8265-8267,8322-8325	\$19,231.16
SPECIAL WATER 2: 8268,8326-8328	\$ 332.54

TOTAL: \$79,179.23

BUSINESS:

**Melissa Davidson
Northern Insuring
Re: Highway Department Fire**

Supervisor Middleton: I have asked Melissa to come tonight to explain the process we will be going through due to the fire Wednesday night to the Board members so that any questions may be answered. Melissa and everyone at Northern Insuring have been wonderful.

Melissa Davidson: Thursday we were able to get an adjuster out there for the property side of it. He called it a total loss because anytime the building is damaged 50% or more it will be the same to knock it all down as it would be to repair the one side. There was quite a bit of smoke damage to both sides. Today the fire investigator was there and stated that the cause was the truck; I did talk with someone today for the autos and all of the equipment and he will be there Thursday. That portion of the claim usually will move faster than the other portions just due to the fact that they all have stated values on the policy. The property side will take a little bit longer. There are several sub limits of coverage; on your policy there is about \$2.5 million for both coverage of the building and contents. Since you have blanket coverage, each building has a separate sub limit and I believe that building is just a little over \$500,000.00 and about \$60,000.00 in contents but if it does take more than that, since you are on a blanket limit that will come into play. I know we are hoping to get a different rental to keep business operating and you can rent what you need to keep business operating. I represent you; I am your advocate so if you don't agree with what the insurance carrier NYMIR is going to pay then I will be dealing with that side of it. Typically insurance companies are always trying to find coverage for you.

Supervisor Middleton: Monday at 10:00am an Engineer from Morrison Engineering will be coming to look at the building.

**Bid Opening
Culvert Replacement
Blackhouse Road**

The Town received 2 responses to their RFP

- 1) Johnson Construction, LLC
 - \$4,500.00
- 2) Charles Friedman Excavating, Inc.
 - \$275.00 Mobilization of Track Hoe
 - \$185.00 Hourly Rate

MOTION by Councilman Orsini, Seconded by Councilman Mercier to enter into Executive Session to review the bid documents at 7:10pm **ALL AYES**

MOTION by Councilman Mercier, Seconded by Councilman Orsini to come out of Executive Session at 7:15pm **ALL AYES**

Back in regular session

MOTION by Councilman Mercier, Seconded by Councilman Fisher to award the bid for the replacement of the culvert on Blackhouse Road to Johnson Construction, LLC for a total of

\$4,500.00 ALL AYES

RESOLUTIONS:

RESOLUTION NUMBER 14 OF 2019

MOTION BY COUNCILMAN ORSINI

SECONDED BY COUNCILMAN MERCIER

WHEREAS, the Fort Edward Town Board does hereby appoint Katie DeGroot as a member of the Town of Fort Edward Board of Assessment Review to fill the five year unexpired term of Stephen Davie ending September 30, 2022.

Dated: May 13, 2019

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

RESOLUTION NUMBER 15 OF 2019

MOTION BY COUNCILMAN ORSINI

SECONDED BY COUNCILMAN MERCIER

WHEREAS, the Town Board of Fort Edward (“Town Board”) desires to ensure a minimum base salary for any potential Highway Superintendent of the Town of Fort Edward (“Town”); and

WHEREAS, any potential salary for a Highway Superintendent of the Town should reflect such individual’s experience and expertise.

NOW THEREFORE BE IT RESOLVED, that the Town Board approves a minimum base salary for any Highway Superintendent to be set at no less than fifty thousand dollars (\$50,000.00) annually; and

BE IT FURTHER RESOLVED, that such determination of a base salary in no way affects, amends, or alters the current salary of the current Highway Superintendent, or the ability

of the Town Board to change the salary of the Highway Superintendent in subsequent fiscal years.

DATED: May 13, 2019

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

RESOLUTION NUMBER 16 OF 2019

MOTION BY COUNCILMAN ORSINI

SECONDED BY COUNCILMAN FISHER

WHEREAS, the Town Board (“Town Board”) of the Town of Fort Edward (“Town”) desires to provide opportunities to promote recycling for town residents; and

WHEREAS, the Village of Fort Edward has a recycling facility located at 118 Broadway, Fort Edward, New York,

WHEREAS, the Mayor of the Village of Fort Edward has offered to allow Town residents to utilize such facility, with a monthly cost to the Town of six-hundred dollars (\$600.00).

WHEREAS, the Town Board desires to enter into such intermunicipal agreement with the Village of Fort Edward, as may be necessary to authorize recycling opportunities for Town residents through use of the Village of Fort Edward recycling facility.

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the Supervisor of the Town, in consultation with the Highway Superintendent, to enter into an agreement with the Village of Fort Edward, to authorize to use of the recycling facility by Town residents, at a monthly rate incurred by the Town, not to exceed six-hundred dollars (\$600.00), and for a term not to exceed five years.

DATED: May 13, 2019

Vote: Councilman Orsini - AYE
Councilman Mercier - NO
Councilwoman Mullen - AYE
Councilman Fisher - AYE
Supervisor Middleton – AYE

RESOLUTION NUMBER 17 OF 2019

MOTION BY COUNCILMAN FISHER

SECONDED BY COUNCILWOMAN MULLEN

WHEREAS, a recent fire at the Town Garage of the Highway Department of the Town of Fort Edward (“Town”) resulted in substantial damage to the building structure and to vehicles and other equipment during the fire; and

WHEREAS, the Town Board of the Town (“Town Board”) finds it desirous and necessary to maintain services for Town residents, which require the use of certain vehicles and equipment; and

WHEREAS, it may be necessary for the Town to enter into interim intermunicipal agreements for the procurement and use of such vehicles, equipment, and services necessary for the maintenance of Town services; and

WHEREAS, the Town Board desires to authorize the Supervisor of the Town to enter into any such interim intermunicipal agreements as may be required or beneficial for the Town to maintain necessary services for Town residents.

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the Supervisor of the Town to enter into any such interim intermunicipal agreements and other necessary agreements, as may be required or beneficial for the Town to maintain necessary services for Town residents, and in compliance with any requirements or emergency-related provisions of the New York Town Law and General Municipal Law.

DATED: May 13, 2019

Vote: Councilman Orsini - AYE
Councilman Mercier - AYE
Councilwoman Mullen - AYE

Councilman Fisher - AYE
Supervisor Middleton – AYE

RESOLUTION NUMBER 18 OF 2019

MOTION BY COUNCILMAN ORSINI

SECONDED BY COUNCILWOMAN MULLEN

WHEREAS, the Town Board (“Town Board”) of the Town of Fort Edward (“Town”) seeks to hire a Dog Control Officer for the Town; and

WHEREAS, the Town Board has solicited, received, and reviewed applications for a Dog Control Officer for the Town, in accordance with any and all applicable requirements of the New York State Town Law and General Municipal Law; and

WHEREAS, having reviewed all applicants, the Town Board desires to hire Dean Watkins as the Dog Control Officer for the Town, at an annual salary of \$13,325.00.

NOW THEREFORE BE IT RESOLVED, that the Town Board approves the hiring of Dean Watkins as Dog Control Officer for the Town, at a salary for the remainder of 2019 to be set at \$1,110.42 per month.

DATED: May 13, 2019

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

RESOLUTION NUMBER 19 OF 2019

MOTION BY COUNCILMAN ORSINI

SECONDED BY COUNCILMAN FISHER

WHEREAS, the Town Board of the Town of Fort Edward, by request for proposals, invited sealed proposals for replacement of a five foot culvert on Blackhouse Road in Fort Edward, New York; and

WHEREAS, all such proposals received were considered publicly at Town Hall; and

WHEREAS, said Town Board has determined that Johnson Construction, LLC is the lowest responsible formal bidder for the work as detailed in the specifications.

NOW, THEREFORE BE IT RESOLVED, that the said bid response of \$4,500.00 be accepted;

AND BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to enter into a contract with said Johnson Construction, LLC for the necessary work as detailed in the bid documents and for the price specified in said proposal and in accordance with the plans and specifications for said public work, said contract to be approved by the attorneys for the Town Board.

Dated: May 13, 2019

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

CORRESPONDENCE:

Supervisor Middleton: We received a letter from OMNI NAVITAS Solar Energy Development; they are interested in long-term leasing Town land at 45 Leavy Hollow Ln. to build a solar array. I have turned it over to the Town Attorney for review.

Councilman Orsini: I didn't think they could put those on old dump sites. Would it have to go out to bid?

Donald Boyajian, Jr.: I will look into that for our next meeting.

Councilman Mercier: I know that the State maintains that property.

Derek Lyons: If the State owned the land could the Town still grant the lease?

Supervisor Middleton: No but the Town does own it, the State just maintains it.

PUBLIC COMMENT:

Theresa Rose: My garbage has become very heavy from not recycling. If we are paying the Village to use their recycling then what about the people that don't drive, are you still going to pick theirs up?

Councilman Fisher: I would like to point out that no other Towns have curb side recycling pick up.

Supervisor Middleton: No, we will not be picking it up at curbside, we received enough calls and interest from Town residents that would like to use the Village bins and that is why we made the decision.

Elizabeth O'Leary: Do we have to sort it?

Councilman Orsini: No, but they do ask that your cardboard is broken down to make room.

Theresa Rose: Are we still going to be able to vote at the Burgoyne Ave. School?

Supervisor Middleton: If the building is purchased by the County then voting will remain the same.

Theresa Rose: Was the garbage truck in the fire?

Supervisor Middleton: Yes

Theresa Rose: Will it be replaced?

Supervisor Middleton: No, insurance won't cover heavy smoke damage and what they would give us for it is not enough to go out and purchase another one.

Theresa Rose: When are you taking the tree down that was in the accident?

Brian Brockway: That is the County that would be taking that down. That is a County Road.

Theresa Rose: I have a cherry, peach and apple tree that we are cutting down; will you take that if we put it out?

Brian Brockway: We will if it is not more than 6" in diameter or 6" in length.

Theresa Rose: The garbage is piling up again in the yard across the street from me.

Supervisor Middleton: The Code Enforcement Officer is aware of the situation, I have gone there a few times and they will not answer the door and we have also amended our Code to deal with repeat offenders and will be pursuing the issue.

Theresa Rose: I have a problem with garage sale permits, I don't believe anyone should be able to tell me what I can and can't do on my property if they aren't paying my taxes. I am planning on having 2 or 3 garage sales this year and I am not paying or getting a permit.

Supervisor Middleton: Your first 3 day garage sale is free.

Brian Brockway: I would just like to thank all the guys that came down during the fire to help, that is above and beyond and I appreciate it. I also would like to thank the Fire Department for the stop on the fire, they did a great job.

Supervisor Middleton: Thank you as well Brian, you guys all have been doing a great job.

ADJOURNMENT:

MOTION by Councilman Fisher, Seconded by Councilwoman Mullen to adjourn the meeting at 7:50pm **ALL AYES**

Dated: May 15, 2019

Aimee Mahoney, Town Clerk