

**MINUTES OF THE TOWN OF FORT EDWARD TOWN BOARD MEETING HELD ON MONDAY, JUNE 8, 2020 VIA ZOOM COMMENCING AT 6:55 PM**

Supervisor Losaw opened the Public Hearing at 6:55pm

**PRESENT:** Supervisor Losaw  
Councilwoman Holden  
Councilman Fisher  
Councilwoman Mullen  
Councilman Mercier

**OTHERS PRESENT:** Brian Brockway, Donna Brockway, Terry Middleton, Peter Ives, Elizabeth O’Leary, Katie DeGroot, Gretta Hochsprung (The Post Star), and Town Clerk Aimee Mahoney

The following notice was published in The Post Star on June 1, 2020:

**Notice is hereby given, that the Town Board of the Town of Fort Edward will hold a public hearing on Monday, June 8, 2020 at 6:55 P.M. via ZOOM for the purpose of hearing comments on the 2019 Town of Fort Edward MS4 Annual Report.**

**Interested persons may review the Annual Report and find a Town Board Meeting Invite on the Town website at: [www.fortedward.net](http://www.fortedward.net)**

**By Order of the Town Board**  
**Dated: May 27, 2020**  
**Publish: June 1, 2020**

**PUBLIC COMMENT: None**

**MOTION** by Councilwoman Mullen, Seconded by Councilman Fisher to close the public hearing at 7:00 p.m. **ALL AYES**

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

**PRESENT:** Supervisor Losaw  
Councilwoman Holden  
Councilman Fisher  
Councilwoman Mullen  
Councilman Mercier

**OTHERS PRESENT:** Brian Brockway, Donna Brockway, Terry Middleton, Peter Ives, Elizabeth O’Leary, Katie DeGroot, Gretta Hochsprung (The Post Star), and Town Clerk Aimee Mahoney

**APPROVAL OF MINUTES: MOTION** by Councilman Mercier, Seconded by Councilman Fisher to approve the minutes of the regular meeting of May 11, 2020 **VOTE: Councilman Fisher – AYE, Councilman Mercier – AYE, Councilwoman Holden – AYE, Councilwoman Mullen – AYE, Supervisor Losaw – AYE**

**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, Highway Barn Report & Supervisor’s Report **VOTE: Councilman Fisher – AYE, Councilman Mercier – AYE, Councilwoman Holden – AYE, Councilwoman Mullen – AYE, Supervisor Losaw – AYE**

**Brian Brockway:** I would like to see a thank you letter sent to the County for coming over and blacktopping, to Deb Donohue and Jimmy Hogan and the black top crew. They trained on their new machine, we paid for the black top and they took care of the labor.

**Supervisor Losaw:** Anytime we can get something for free that’s good, even though it was training for them. Thanks Brian, thank you for doing that.

**APPROVAL OF BILLS: MOTION** by Councilman Fisher, Seconded by Councilwoman Mullen to approve Abstract #6 in the amount of \$191,032.38 **VOTE: Councilman Fisher – AYE, Councilman Mercier – AYE, Councilwoman Holden – AYE, Councilwoman Mullen – AYE, Supervisor Losaw – AYE**

**ABSTRACT #6**

<b>GENERAL A: 9169-9172, 9182-9196</b>	<b>\$4,608.65</b>
<b>GENERAL B: 9197-9211</b>	<b>\$3,084.80</b>
<b>HIGHWAY: 9212-9216</b>	<b>\$10,148.95</b>
<b>MUNICIPAL: 9173-9217</b>	<b>\$780.23</b>
<b>SPECIAL LIGHTING: 9174-9177, 9218-9221</b>	<b>\$2,562.27</b>
<b>SPECIAL WATER: 9178-9180, 9222-9224</b>	<b>\$1,314.71</b>
<b>SPECIAL WATER 2: 9181, 9225-9226</b>	<b>\$240.65</b>
<b>H21 1620.4 (HWY BARN): 36-40</b>	<b>\$168,291.62</b>

**TOTAL: \$191,032.38**

**BUSINESS:**

**Supervisor Losaw:** One thing I want to talk about is we got that DASNY Grant from Betty Little sometime this last year; it is \$100,000.00. So far all we have come up with is \$67,990.00 unless someone else knows of something else. We have the salt shed at \$34,790.00, work on Blackhouse Rd. at \$4,400.00, the roof at Fort Miller at \$15,000.00 and the roof at 118 Broadway at \$13,800.00. With that said I would like to get this completed before Betty Little gets out of office.

**Brian Brockway:** I would make a motion that we pay for that new tractor out of some of that Lester; the one we just bought from Falls Farm & Garden to replace the tractor that was in the fire.

**Supervisor Losaw:** Okay, we've bought that already? How much was that.

**Brian Brockway:** Yes, we should be getting the bill on it this month; I just picked it up Monday. We haven't seen a bill yet because it had to go back through John Deere for the state contract part of it and its right around \$28,000.00. That would free up some of the Insurance money to cover the black top in front of the barn.

**Supervisor Losaw:** We also have an excavator that you are purchasing too.

**Brian Brockway:** Correct, as soon as Kingsbury's comes in, I don't know how much Covid has backed it up on their delivery date. I will give Mike a call. That was \$8,000.00.

**Supervisor Losaw:** Okay, that will put us over the top or pretty close to it. One thing I wanted to do with that is a new furnace at Rogers Island because their furnace has died. I think it's going to be about \$8,000.00, they got 3 quotes on it but I would like to put in for that as one of things because we need to. We can work that out with the Insurance Company and the tractor and all of that stuff and make sure we can do it.

## **RESOLUTIONS:**

### **RESOLUTION NO. 18 OF 2020**

#### **MOTION BY COUNCILMAN FISHER**

#### **SECONDED BY COUNCILWOMAN MULLEN**

### **Resolution Approving Hodgson Russ LLP Waiver Request**

WHEREAS, Hodgson Russ LLP has represented and currently represents the Town of Fort Edward (the "Town") with respect to the Fort Edward Local Development Corporation and redeveloping (the "Project") and values the Town as a client; and

WHEREAS, Hodgson Russ LLP has been asked to represent AC Power, LLC in connection with a proposal to construct a solar energy generation facility on the former Town landfill; and

WHEREAS, given that the Town is a public entity, whose records are public, Hodgson Russ LLP does not believe that it possesses any confidential information learned from the Town concerning the A.C. Power Project, and has represented that it is confident that this representation will not impact its independent professional judgment on any other matter involving the Town; and

WHEREAS, the Town is currently represented by the Town Attorney, who has reviewed this resolution, and Town Board has had the opportunity to address any questions with the Town Attorney; and

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Ft. Edward as follows:

1. That the Town hereby agrees to waive any conflict of Hodgson Russ LLP as the result of the representation described above.

2. This Resolution shall be effective immediately.

PASSED AND ADOPTED this 8th day of June, 2020 by the Town Board of the Town of Fort Edward.

DATED: June 8, 2020

Vote: Councilman Mercier – AYE  
Councilwoman Mullen – AYE  
Councilman Fisher – AYE  
Councilwoman Holden – AYE  
Supervisor Losaw – AYE

**Katie DeGroot:** Can you explain what this resolution is.

**Supervisor Losaw read the resolution**

**Katie DeGroot:** Can you translate that for me so I can understand it. Is this the solar project that is on the piece of property that was the transfer station or the garbage dump?

**Supervisor Losaw:** The landfill, yes.

**Katie DeGroot:** So this is the Lawyers for the company that's going to develop it?

**Supervisor Losaw:** Yes

**Katie DeGroot:** So they are saying that they don't have a conflict of interest with the Town because nobody involved with that company is involved with the Town of Fort Edward?

**Supervisor Losaw:** They did represent the Town before dealing with the assessment issues at the dewatering site I believe it was and maybe even for the GE too.

**Katie DeGroot:** So I am still trying to understand, the solar company hired lawyers and those lawyers are stating that they have no conflict of interest with the Town of Fort Edward.

**Supervisor Losaw:** Right because they did work for us yes but the issues are completely separate so it shouldn't be a conflict.

**Katie DeGroot:** And is it the lawyers that we have now or the lawyers that we used to have?

**Supervisor Losaw:** We did have them but they don't work for us anymore I don't believe.

**Katie DeGroot:** How long ago did they work for us?

**Supervisor Losaw:** When they formed the LPDC over at the dewatering facility.

**Katie DeGroot:** The solar project is using those lawyers to talk to Fort Edward.

**Supervisor Losaw:** Yes, they sent us a lease that we had some issues with in talking to our Attorney and Engineer. We sent it back to be remodified so this is the legal firm that they have hired to do that. I think it's strange myself that a firm out of New Jersey and we are in Fort Edward would hire Attorney's out of Buffalo.

**Katie DeGroot:** Okay, thank you.

## **RESOLUTION NO. 19 OF 2020**

### **MOTION BY COUNCILWOMAN HOLDEN**

### **SECONDED BY COUNCILMAN FISHER**

WHEREAS, Champlain Hudson Power Express, Inc. ("CHPEI") is developing the Champlain Hudson Power Express Project (the "Project"), an approximately 1,000 megawatt underground and underwater high voltage, direct current electric transmission facility extending from the United States' border with Canada to Queens, New York; and

WHEREAS, the New York State Public Service Commission (the "PSC") has ruled that the Project will supply clean, renewable hydroelectricity to New York State and has issued a Certificate of Environmental Compatibility and Public Need authorizing the construction and operation of the Project (including any amendments thereto, the "Certificate"); and

WHEREAS, a portion of the Project will be located within the Town and will occupy certain privately-owned land; and

WHEREAS, the Project will provide significant economic and environmental benefits to New York State in the form of lower electric rates, a reduction in greenhouse gas emissions and increased jobs, including local jobs during the Project's construction;

**NOW, THEREFORE, BE IT RESOLVED,**

1. That the Fort Edward Town Board is fully familiar with and supportive of the Project and looks forward to the completion of the Project.
2. That the Board approves the inclusion of a copy of this Resolution as a part of any filing made by CHPEI with any governmental bodies when and as required or requested by the same and the use of this Resolution in public statements made by CHPEI regarding host community support for the Project.

The question of the adoption of the foregoing Resolution was duly put to vote on a roll call, which resulted as follows:

The foregoing Resolution was thereupon declared duly adopted.

DATED: June 8, 2020

Vote: Councilman Mercier – AYE  
Councilwoman Mullen – AYE  
Councilman Fisher – AYE  
Councilwoman Holden – AYE  
Supervisor Losaw – AYE

**Katie DeGroot:** Can you explain that a little more Lester?

**Supervisor Losaw:** This is a project that was brought up before; they are running electricity from Canada down to New York City and it really has no effect on us. They are coming down Champlain Canal, Lake Champlain then they are going to run along the railroad tracks from the southern tip of Champlain down to Fort Edward and then cross over to Saratoga County.

**Katie DeGroot:** And then go down on that?

**Supervisor Losaw:** I'm trying to think of how they are doing it and I think they are going down the river if I'm not mistaken.

**Katie DeGroot:** Like under the river, and going down the river? I admit I have never heard of this project. I assume it has been in the works for a long time.

**Supervisor Losaw:** Yes and it won't be started for another year probably. We just wanted to give them our support.

**Katie DeGroot:** Are they going to be dredging or how are they going to put the electrical in, are they putting in electric transmission?

**Supervisor Losaw:** Transmission lines, yes.

**Katie DeGroot:** Will they be underground?

**Supervisor Losaw:** Yes they are going to be underground down the railroad and they have got permission from the railroad companies. They have had to do some work in the Village because they are going to be going under a couple of roads but it doesn't affect us at the Town level. It means cheaper electricity for New York City.

**Katie DeGroot:** And hopefully all of us but we have solar up here which is hard to get in New York City.

**Councilwoman Mullen:** What private property are they referring to?

**Supervisor Losaw:** The railroad.

#### **CORRESPONDENCE:**

**Supervisor Losaw:** I had an e-mail request from Katie asking if the Town would be commenting on the unrest that has been going on around the country the last week or so. As a Town I hate to put ourselves out there because whatever you say people are going to say something negative about it. If there is one thing I have learned by reading different Facebook posts is that people I think have the same mindset as I do in this and I think whatever they say is very innocent enough but they get chastised terribly for it. So really you can't say anything because there is always going to be somebody with a different idea. It made me stop and think why is that happening? Everybody's perspective is different on everything and it's based on where we live, how we grew up, how we were raised, our work experience, college, whatever is how we form our perspective on life and that is constantly evolving. I do think our country needs to take a look at that and say give people more grace and tolerance for their different viewpoints. A lot of things have been black and white in my life and as I have gotten older it's not so, everybody has a different way of thinking about it and that's how they grew up and has made them who they are. So, my perspective is we have got to be more tolerant.

**Katie DeGroot:** I just thought given the history of Fort Edward which has this amazing story about Solomon Northup who was a free man and was enslaved and went through 12 years of hell to get back to Fort Edward. I agree with you but it is amazing, Schuylerville is going to have a march Wednesday and I went to one in Saratoga and Glens falls and I agree with you; I

personally don't think the slogan black lives matter is something that sounds right up here but I also think that we all know about right and wrong behavior and that it's okay and important for us to actually say something to support the right behavior in this country Lester. I guess that's what I'm asking for it's not saying that we have to say black lives matter but I think it's important that everyone know that type of behavior is absolutely improper. I don't think it hurts anybody and I am looking at the other Town Board members and I went to the Fort Miller Dutch Reform Church and I wouldn't have learned that what happened was not okay. I think it is okay to say that it's not okay to do what happened and I don't think any of us would be hurt as a Town or Town Board or a human being to step up and say something like that. I'm not saying you have to say it tonight but I really do hope that you guys will consider it. I think it's important at this time in this country that's all.

**Supervisor Losaw:** Part of the protests are all against the police injustices and that might be there, I don't know if it is or not. I have never had any call to say one way or the other but what was done that night was wrong.

**Katie DeGroot:** Right, that is correct and maybe it's just a question of going on record saying that Lester that's all. As government officials I think it's a wonderful thing to do.

**Supervisor Losaw:** I can only speak for myself; I am not going to speak for anybody else on that thought.

**Katie DeGroot:** Well maybe the Town Board would consider it because they are human beings and I am looking at them and maybe they would find it in their hearts to say something too or maybe not, and in saying not then when it comes to re-election that's something that I will remember that's all.

**Councilwoman Holden:** Katie I guess I am just wondering what type of message you would like us to put out.

**Katie DeGroot:** I don't know. You are right I don't know.

**Councilwoman Holden:** Help me understand, my father was Chief of Police in law enforcement for 40 years.

**Katie DeGroot:** I guess I am just trying to address the single issue and that was what happened to George Floyd and so you're right. I lived in New York City I have had great experiences with the cops but I am also white. I don't dislike cops, I like cops and they have saved my life but what happened was so bad and I think that there is a way for us as a community to just speak out against that. It just says to people that action was wrong and maybe you don't say anything about a cop you just say that action is wrong. You know what I mean?

**Councilwoman Holden:** Have you reached out to our Fort Edward Police Department? Maybe that is a bridge and that would help. I don't think anybody has an answer here.



**Katie DeGroot:** I'm not looking for an answer I just think it would be a great thing to come up with some kind of a positive statement to affirm individual human right to live that's all.

**Supervisor Losaw:** As most of you know I am a Freemason and I want to read this quote that one of my friends gave me that works for the NYS Department of Health, his name is Oscar Allen and he is also a black man. "Justice is that standard or boundary of right which enables us to render to every man without distinction is just due. This virtue is not only consistent with divine and human law but it is the very cement in support of civil society and as justice is a great measure constitutes the real good man so should it be very well practiced of every mason never to deviate from the minutest principles throughout." That should apply to everybody.

**Katie DeGroot:** Yes, I agree.

#### **OTHER BUSINESS:**

**Brian Brockway:** We had a street light hit up on Broadway which I will contact the Sheriffs or the Troopers when I find out who handled the complaint. We will track that down for insurance but we also have a second issue up there; the street lights from Rookies south have a dead short somewhere. It is over and above our heads so we need to hire an electrician to straighten that out.

**Supervisor Losaw:** We are responsible for the lights?

**Brian Brockway:** yes we are that was a Merrilyn deal, she signed that into effect and I don't know what kind of money is in the budget for it but there is a dead short there and it needs to be taken care of. Right now the breakers are shut off to it so somebody doesn't get electrocuted.

#### **ADJOURNMENT:**

**MOTION** by Councilman Fisher, Seconded by Councilwoman Mullen to adjourn the meeting at 7:30pm **ALL AYES**

DATED: June 9, 2020

---

Aimee Mahoney, Town Clerk