

**MINUTES OF THE TOWN BOARD OF THE TOWN OF FORT EDWARD PUBLIC HEARING & REGULAR MEETING HELD ON MONDAY, JUNE 14, 2021 AT TOWN HALL COMMENCING AT 6:55 P.M.**

Supervisor Losaw opened the public hearing at 6:55pm

Pledge of Allegiance

**PRESENT:** Supervisor Losaw  
Councilman Middleton  
Councilman Fisher  
Councilwoman Mullen

**ABSENT:** Councilman Mercier

**OTHERS PRESENT:** Steve Davie, Jan Peterson, Kim Collier, Colleen LaPan, Elizabeth O'Leary, Peter Ives, Maryellen Russo, Fred Wehner, Brian Brockway and Town Clerk Aimee Mahoney

The following notice as published in the Post Star on June 7, 2021:

**Notice is hereby given, that the Town Board of the Town of Fort Edward will hold a public hearing on Monday, June 14, 2021 at 6:55 P.M. at Town Hall, 118 Broadway Fort Edward, NY 12828 for the purpose of hearing comments on the 2020 Town of Fort Edward MS4 Annual Report.**

Interested persons may review the Annual Report on the Town website at:  
[www.fortedward.net](http://www.fortedward.net)

**By Order of the Town Board**

**Dated: June 2, 2021**

**Publish: June 7, 2021**

No Public Comment

**MOTION** by Councilman Fisher, Seconded by Councilman Middleton to close the public hearing at 6:57pm **ALL AYES**

Supervisor Losaw called the regular meeting to order at 7:00pm

**APPROVAL OF MINUTES:**

**MOTION** by Councilman Middleton, Seconded by Councilwoman Mullen to approve the minutes of the regular meeting of May 10, 2021 **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, Assessor, Dog Control Officer, Supervisor and Highway as submitted **ALL AYES**

**APPROVAL OF BILLS: MOTION** by Councilman Fisher, Seconded by Councilwoman Mullen to approve Abstract #6 in the amount of \$20,748.68 **ALL AYES**

**ABSTRACT #6**

<b>GENERAL A: 9960-9965,,9974-9977,9983-10002</b>	<b>\$7,083.28</b>
<b>GENERAL B: 10003-10005</b>	<b>\$2,214.00</b>
<b>HIGHWAY: 10006-10015</b>	<b>\$3,431.30</b>
<b>MUNICIPAL: 9966-9967, 10016-10023</b>	<b>\$3,969.39</b>
<b>SPECIAL LIGHTING: 9968, 9978-9981</b>	<b>\$2,543.52</b>
<b>SPECIAL WATER: 9969-9970, 9982, 10024-10027</b>	<b>\$ 842.25</b>
<b>SPECIAL WATER 2: 9971-9972, 10028-10030</b>	<b>\$ 102.14</b>

**TOTAL: \$20,748.68**

**BUSINESS:**

**Marijuana Sales**

**Councilman Middleton:** We should start the conversation on this and see how the public feels about it. From what I understand the Town would get 3% from a dispensary which would be a revenue source for the Town.

**Jan Peterson:** Revenue is always good.

**Elizabeth O’Leary:** Regardless of personal feelings it would be a source of revenue for the Town.

**Councilman Middleton:** The way I see it is like a liquor store, it’s a personal preference.

**Fred Wehner:** How much revenue are we talking?

**Councilman Fisher:** They are talking about putting a dispensary in the old Beechnut Plant so it must be significant.

**Steve Davie:** Something about recreational use of marijuana rubs me the wrong way. I have read about the struggles Colorado has with it but then again it’s hard to find facts that are true.

**Councilman Fisher:** Massachusetts has been doing it for a while; we could possibly contact them for information.

**Valuation and Decommissioning Plan  
AC Power 9, LLC**

**Supervisor Losaw:** We received a quote from Emminger, Newton, Pigeon, Magyar, Inc. to place a valuation on the AC Power 9, LLC solar project on Leavy Hollow Road as well as the Decommissioning Plan which was reviewed by the Town Attorney.

**MOTION** by Councilman Middleton, Seconded by Councilwoman Mullen to accept the quote from Emminger, Newton, Pigeon, Magyar, Inc. for valuation of the AC Power 9, LLC Solar Project on Leavy Hollow Road **ALL AYES**

**MOTION** by Councilman Fisher, Seconded by Councilman Middleton to accept and approve the Decommissioning Plan submitted by AC Power 9, LLC **ALL AYES**

**Fred Wehner:** What kind of solar is Boralex proposing? I know there are panels that reflect to a water boiling operation and when birds fly into them they catch fire.

**Councilman Middleton:** Boralex hasn't submitted an application to the Town yet, they are still waiting for NYSERDA credits. They are the ones that want to start at Cary Road and continue north.

**RESOLUTIONS:**

**RESOLUTION NUMBER 16 OF 2021**

**MOTION BY COUNCILMAN MIDDLETON**

**SECONDED BY COUNCILMAN FISHER**

**RESOLUTION TO APPROVE THE 2021 TOWN OF FORT EDWARD MS4 ANNUAL  
REPORT**

**WHEREAS**, the Town of Fort Edward held a public hearing on the 2021 MS4 Annual Report on June 14, 2021.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Fort Edward does hereby approve the submission of the 2021 Town of Fort Edward MS4 Annual Report.

DATED: June 14, 2021

VOTE: Councilman Middleton – AYE  
Councilman Fisher – AYE  
Councilman Mercier – ABSENT  
Councilwoman Mullen – AYE

Supervisor Losaw - AYE

**RESOLUTION NUMBER 17 OF 2021**

**MOTION BY COUNCILMAN MIDDLETON**

**SECONDED BY COUNCILWOMAN MULLEN**

**RESOLUTION CALLING FOR PUBLIC HEARING ON PROPOSED LOCAL LAW #3  
OF 2021 AMENDING TOWN CODE TO EXCLUDE SOLAR ENERGY SYSTEMS  
FROM TOWN OPT OUT FROM REAL PROPERTY EXEMPTION**

**WHEREAS**, the Town of Fort Edward included Solar and Wind Energy Systems in their opt out from Real Property Exemption in Resolution Number 39 of 2019, and

**WHEREAS**, the Town wishes to exclude Solar Energy Systems from such opt out and desires to pass a Local Law reflecting that.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board hereby calls for a public hearing to be held on July 12, 2021 at 6:55 p.m. at Town Hall, 118 Broadway, Fort Edward, New York at which time the public may comment on the text of said law.

DATED: June 14, 2021

VOTE: Councilman Middleton – AYE  
Councilman Fisher – AYE  
Councilman Mercier – ABSENT  
Councilwoman Mullen – AYE  
Supervisor Losaw - AYE

**RESOLUTION NUMBER 18 OF 2021**

**MOTION BY COUNCILWOMAN MULLEN**

**SECONDED BY COUNCILMAN FISHER**

**ACCEPTING PROPOSAL FROM EMMINGER, NEWTON, PIGEON MAGYAR, INC.  
FOR DOLAN & SOMERS SOLAR PROJECTS**

**WHEREAS**, there are two 20 MW solar PV farms proposed in the Town of Fort Edward, and

**WHEREAS**, the Town is seeking appraisal and consulting services for this type of property and Emminger, Newton, Pigeon, Magyar, Inc. has submitted a proposal to perform the services.

**NOW THEREFORE BE IT RESOLVED**, the Town of Fort Edward hereby accepts the proposal from Emminger, Newton, Pigeon, Magyar, Inc. to provide appraisal and consulting services for the Dolan & Somers solar projects.

DATED: June 14, 2021

VOTE: Councilman Middleton – AYE  
Councilman Fisher – AYE  
Councilman Mercier – ABSENT  
Councilwoman Mullen – AYE  
Supervisor Losaw - AYE

**RESOLUTION NUMBER 19 OF 2021**

**MOTION BY COUNCILMAN MIDDLETON**

**SECONDED BY COUNCILWOMAN MULLEN**

**AUTHORIZING SUPERVISOR LOSAW TO SIGN THE EXERCISE OPTION WITH  
AC POWER 9, LLC**

**WHEREAS**, the Town of Fort Edward has a storage and solar lease agreement with AC Power 9, LLC for land located at 45 Leavy Hollow Road, and

**WHEREAS**, pursuant to Section 2.1 of the lease AC Power 9, LLC hereby exercises the option to lease the property and acquire the easements, and

**WHEREAS**, AC Power 9, LLC needs confirmation of the lease terms by receiving a signature from the Town Supervisor.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Fort Edward hereby authorizes Supervisor Losaw to sign the exercise option for AC Power 9, LLC.

DATED: June 14, 2021

VOTE: Councilman Middleton – AYE  
Councilman Fisher – AYE  
Councilman Mercier – ABSENT  
Councilwoman Mullen – AYE  
Supervisor Losaw - AYE

**OTHER BUSINESS:**

**Town Pool**

**Supervisor Losaw:** We currently have no lifeguards for the pool, Aimee placed an ad in the paper and Mike Gray is reaching out to individuals that took the course.

**Jan Peterson:** This is important; the kids need something to do in the summer.

**Peter Ives:** The minimum wage is going to be increasing and the pool needs to be filled to see if it holds water.

**Councilman Middleton:** Raise the salary to see if that will attract guards.

**Councilman Fisher:** We could call Hudson Falls and see what they are paying their guards. If we can only get a couple we could cut back on the days we are open.

**Brian Brockway:**

- I just found out that the water truck we ordered will not be available until 2022, however there is one on the lot we can have in a month for \$650.00 more than what you approved that fits our specs. It would be \$37,000.00 which is well under the \$40,000.00 that we had talked about. It's a 2021 and they just have to put the utility body on it and paint it because he ordered that white, they have a blue one there which is what our old one is so he will paint the body blue.
- The new plow truck is in, the body isn't on it yet, the cab and chassis is over at the garage if anyone wants to go look at it we picked it up today. It will be 3 or 4 months before it's in service. We are going to have Mac the Knife letter the doors and that kind of stuff while we are waiting, we will have the 2 way radio put in and run wires for the back lights then take it back to Delurey.

**Supervisor Losaw:** Will Delurey handle the financing?

**Brian Brockway:** We have to go through a bank.

**Supervisor Losaw:** You will have to get the paperwork on it so we can get that started.

**Brian Brockway:** I will give Jeff a call tomorrow.

**Peter Ives:** The Town lawyer is who will need the information to do the bonding.

**Brian Brockway:** Lester let me know after you speak to the attorney what information he needs to get from Jeff.

**Brian Brockway:**

- Next week we are flushing hydrants so we will need to get that in the paper.
- I contacted Verizon today and they will be there Thursday to put a second line in to get the alarm system so that it goes to Mahoney Notifier. Right now its \$36.67/month but that includes tax. She is going to email me so that Aimee can send her a tax exempt form. There is a \$120.00 fee to install the line and they will be doing the fax line while they are there also.
- I also have the blacktop form for you to sign for our CHIPS money. I haven't heard from Peckham when they are going to blacktop yet.

**Supervisor Losaw:** Are you using the rollover money they didn't give us for last year?

**Brian Brockway:** Yes, they are going to give us back the full 20% from last year and there was an increase of 30% from what we were getting.

**Supervisor Losaw:** How did you make out with the heating system?

**Brian Brockway:** That's all done, the only thing that was agreed upon I guess at the end was putting the heat panel in the heat pump that's outside. They raised it up and put a heat panel underneath it. The Insurance Company and the Engineering firm will not pay for the extra heaters that we asked for as a backup in case that froze again.

**Supervisor Losaw:** So we don't have the extra heaters in there?

**Brian Brockway:** No, one of my recommendations because they didn't do that is get a backup generator in there so if the power is out for a lengthy period of time.

**Supervisor Losaw:** We talked about getting a backup generator before and we only got one bid.

**Brian Brockway:** Is that something you can use the stimulus money for?

**Peter Ives:** How much does a generator cost?

**Supervisor Losaw:** I think the estimate we got was \$40,000.00 for a stand-alone generator.

**Councilman Middleton:** Yes, that was a big 3 phase generator which would run everything in there.

**Councilman Fisher:** What about the heater at the Visitor's Center, can the stimulus money be used for that?

**Councilman Middleton:** Yes it will pay for upgrades in heating and cooling.

**Supervisor Losaw:** I was putting that in with the Betty Little Grant.

**Brian Brockway:** Why wouldn't you use the Betty Little money for the things that you can't use the stimulus money for?

**Councilman Middleton:** Lester I have one thing, I've got requests from Village & Town residents wondering what we can do to make sure we never have a circumstance like we had a month ago and it's evident you are not going to resign so I would just like to read a few things to you out of the Town Law Manual.

Number 1 on pg. 19 **Majority of board acts as the body:**

**The town board, as a group, is the executive head of the town and must function as a body. There is no true executive in town government like the mayor of a city or village. Thus, an individual board member or town supervisor may not unilaterally act on behalf of the town board.**

What I am saying is we need to make sure that everything is done like resolution #19, where you get the full board's approval.

**Councilman Middleton:** Brian, can we use the existing poles from the fence for the new fence?

**Brian Brockway:** I don't know, the only reason we haven't pulled them yet is because we are leaving them as a guide for the property line. I'm not sure you can use the same holes; it depends on how they come out.

**PUBLIC COMMENT: NONE**

**ADJOURNMENT:**

**MOTION** by Councilman Middleton, Seconded by Councilman Fisher to adjourn the meeting at 7:31pm **ALL AYES**

DATED: June 16, 2021

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Aimee Mahoney, Town Clerk



