

MINUTES OF THE MEETING OF THE TOWN BOARD OF THE TOWN OF FORT EDWARD HELD ON MONDAY, AUGUST 9, 2021 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 Timothy Fisher
Councilman Middleton
Councilwoman Mullen

ABSENT: Councilwoman Collier

OTHERS PRESENT: Brian Brockway, Peter Ives, Mitchell Suprenant, Steve Davie, James Donohue, Elizabeth O’Leary, Jim Thatcher, Roseanne Lemery, Nicholas Smith, Town Attorney Mark Schachner and Town Clerk Aimee Mahoney

Supervisor Fisher: I had to resign my Councilman seat to take the Supervisor position which has left a vacancy on the Board.

MOTION by Councilman Middleton, Seconded by Councilwoman Mullen to appoint Mitchell Suprenant to the Town Board **ALL AYES**
Councilman Suprenant joined the Board

APPROVAL OF MINUTES: MOTION by Councilwoman Mullen, Seconded by Councilman Middleton to approve the minutes of the regular meeting & public hearing of July 12, 2021 **ALL AYES**

APPROVAL OF REPORTS: MOTION by Councilman Middleton, Seconded by Councilwoman Mullen to approve the following reports: Town Clerk Monthly, Town Justice, Building Inspector, Dog Control, Assessor, Supervisor and Highway as submitted **ALL AYES**

APPROVAL OF BILLS: MOTION by Councilman Middleton, Seconded by Councilwoman Mullen to approve Abstract #8 in the amount of \$247,533.03 **ALL AYES**

ABSTRACT #8

GENERAL A – 10093-10097, 10104-10130	\$ 16,927.99
GENERAL B – 10131-10134	\$ 8,343.60
HIGHWAY – 10135-10143	\$214,964.86
MUNICIPAL – 10098, 10144	\$ 1,150.92
SP. LIGHTING – 10099-10100, 10145-10147	\$ 3,185.82
SP. WATER – 10101-10102, 10148-10150	\$ 424.55
SP. WATER 2 – 10103, 10151	\$ 35.29
AC POWER – 1	\$ 2,500.00

TOTAL: \$247,533.03

BUSINESS:

Community Pool Repair/Stimulus Money

Jim Thatcher: I spoke with Supervisor Fisher and he told me about the pool being completely out of commission, I know over the years you have patched it and fixed it up which is not cost effective. He asked if there was any grant money out there to do everything, mechanical, pump house, structural, etc. and 2 days from when we spoke there was a deadline for a State Parks program, it's very competitive but it would be my first recommendation other than trying to come up with some more creative ideas which I can also do in the interim. This is an annual program through the Office of Parks & Rec. Unfortunately it is an annual thing and there was no funding in the COVID year 2020 so this year there was a lot of demands. It is either 50/50 or depending on your poverty which I would have to look up by zip code it could be 75% grant, 25% local, it just depends on the income factor. You have no control over that it is just a number based on your zip code.

Councilman Suprenant: When they use that zip code do they use just Fort Edward or do they include the Town of Moreau?

Jim Thatcher: They use all of 12828 but the threshold is 10% poverty or greater so it is not a massive number that needs to be reached and that may be updated as well. I am going to look for some other sources as well but what I wanted to propose after talking to Tim was as your Town's engineering firm we could give you a proposal for a very preliminary assessment, structural, mechanical, etc. which wouldn't cost a whole lot and then we could do a deeper dive with a separate proposal so you would have some control over that cost to produce an engineering report which would in essence help you with any grant application. You would then know things such as what are the fixes, time frame, the whole facility if you wanted which would support different grant applications with cost estimates. We also talked about the use of Rescue Plan Funding and I feel you want to use that carefully because you may have other priorities over time and everyone is being a little tentative on how they spend it because they don't know how the IRS is going to monitor it or audit it. Maybe your rescue funds might serve as a match maybe for any number of projects. We are currently looking into the usage of rescue plan funds as well as the compliance side; usage will be easy over time it's how you document it that's important. We can help with the compliance side of it.

MOTION by Councilman Middleton, Seconded by Councilman Suprenant to have CT Male Assoc. complete a preliminary assessment for the community pool **ALL AYES**

RESOLUTIONS:

RESOLUTION NUMBER 22 OF 2021

MOTION BY COUNCILMAN MIDDLETON

SECONDED BY COUNCILWOMAN MULLEN

**FORT EDWARD TOWN BOARD RESOLUTION ACCEPTING CONVEYANCE
OF CERTAIN REAL PROPERTY**

WHEREAS, the Estate of David Starbuck owns certain property located on Montgomery Street in the Town of Fort Edward, identified as Tax Map Parcel No. 171.6-6-40.1 and being approximately 1.43 acres in size (the “Property”); and

WHEREAS, the Estate has offered to donate the Property to the Town; and

WHEREAS, the Town Board has determined that it is in the best interests of the residents of the Town to accept the Property, and

WHEREAS, the Town is authorized to acquire property for a public purpose pursuant to Town Law §64[2];

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board hereby accepts the donation by gift of the Property subject to the Town Supervisor and Town Counsel’s satisfactory review of the Deed and Town Counsel’s satisfactory review of title including confirmation by Town Counsel that the Town will receive marketable title and that there are no liens or encumbrances upon the property that remain unsatisfied at the time of transfer.
2. The Town Board hereby authorizes the Town Supervisor to execute and deliver such documents acceptable to the Town Supervisor and Town Counsel as may be necessary to accept the donation and record the Deed at the Washington County Clerk’s Office.
3. The Town Board authorizes the Town Supervisor, Town Clerk and Town Counsel to take such additional actions and execute such additional documents as they deem necessary to effectuate the intent of this Resolution.

DATED: August 9, 2021

AYES: 4

NAYS: 0

ABSENT: 1

RESOLUTION NUMBER 23 OF 2021

MOTION BY COUNCILMAN SUPRENANT

SECONDED BY COUNCILWOMAN MULLEN

WHEREAS, the Planning Board of the Town of Fort Edward currently has 7 members and no alternate, and

WHEREAS, a resident of the Town of Fort Edward has shown interest to serve on the Planning Board as an alternate.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Fort Edward hereby appoints Dolores Cogan to the Town Planning Board as an alternate term ending December 31, 2028.

Dated: August 9, 2021

Vote: Councilman Middleton – AYE
Councilman Suprenant – AYE
Councilwoman Mullen – AYE
Councilwoman Collier – ABSENT
Supervisor Fisher - AYE

OTHER BUSINESS:

Quote for Police Department Repair

Supervisor Fisher: We have a quote for the damage to the Police Department from First Choice Siding and Windows for \$2,500.00.

Councilwoman Mullen: That amount will be split between the Town & Village correct?

Supervisor Fisher: Yes

Councilman Suprenant: I am assuming the damage was done by a person that was arrested so are we going to be seeking restitution through the court?

Aimee Mahoney: Yes, I have a letter from the District Attorney regarding restitution.

MOTION by Councilman Middleton, Seconded by Councilman Suprenant to accept the proposal from first choice siding and windows to make repairs to the damage in the Police Dept. at a price not to exceed \$2,500.00 **ALL AYES**

**AC Power 9, LLC
Appraisal**

Roseanne Lemery: The appraisal has been completed for the solar project on the old landfill on Leavy Hollow Rd. They have given us some estimates of value based on whether or not the solar

company will receive certain incentives. I talked with the appraiser to verify a couple of issues that I questioned about the output of the panels and we resolved those questions. What we are looking at for numbers are pretty consistent to what the full market values would be. I had some questions on the lease part of this and I talked to Jackie today at the lawyer's office about the lease itself and surprisingly we did well with the lease. If we go with the lease the way this appraisal portrays the output of the project we will be doing well on the annual lease payments. The other part of the project is the PILOT plan and today I talked to Andrea from AC Power and told her we would definitely like to do a PILOT and they are also in favor of that. The firm that represents AC Power is going to be contacting the town attorney to come up with a PILOT agreement. If it is cost prohibitive they will not want to do it but on the other hand if we go forward with this it is much better than what we anticipated. When I asked why they came out with a higher output than what we had been given in the proposal she said because once they did their due diligence they found it was going to produce more than they anticipated and we didn't get that memo but our appraiser did. It looks like there is no way out of the original lease right Mark?

Mark Schachner: It looks like an executed document which is not subject to renegotiation unless they want to renegotiate it which they probably don't.

Roseanne Lemery: I feel the PILOT is as important as the lease and we want to cover our bases on the annual tax because the county has not opted back into granting exemptions and they are going to want to collect on their assessment times the rate per thousand and our fire district is going to collect on it that way so we don't want to take less because we are in a PILOT. It's a 25 year lease and a 15 year PILOT; I think to give us the stability of income a higher PILOT is a better way of going because I do believe in that lease they have a lot of outs. If they decide they aren't making enough money they can cancel the lease, they can also transfer this lease to another company and then we would have to renegotiate with a new company on a new lease. We have time because they haven't started construction yet; this will all be on the 2023 roll.

Request for additional staff Assessor's Office

Supervisor Fisher: We have received a request from Roseanne to hire additional staff to assist in the desktop and field review of values that will begin in October and continue through the end of this year. She would like to hire Sandy Foley at a rate of \$30 per hour for this type of review. Sandy is a New York State Residential Real Estate Appraiser and New York State Certified Assessor. Current Clerk will continue her normal duties.

MOTION by Councilman Suprenant, seconded by Councilwoman Mullen to hire Sandy Foley to assist with the extra workload due to the County Revaluation Project in the Assessor's office
ALL AYES

Marijuana Sales

Supervisor Fisher: Do we have to do a resolution to opt in to marijuana sales?

Mark Schachner: No, you are opted in automatically unless you opt out.

**DISH Lease
Nicholas Smith – Airosmith Development**

Nicholas Smith: About 2 years ago DISH got awarded frequencies by the FCC and are going through the process of building a new network from the ground up using existing infrastructure as much as possible like the Town's water tower where we are trying to go. They are obligated to cover 70% of the population by mid-2022 and this is one of the sites they are trying to plan in upstate New York.

Brian Brockway: I met with the DISH Engineer and he will be using Sprint's brackets that are still on the catwalk and they would not be doing any welding on the tank. The shed is also still there but they said they wouldn't use that because it is way too big for what they need.

Nicholas Smith: If you take a piece of equipment that is meant to be outdoors all the time it's got built in AC units and you put it inside a building you will end up making the equipment work harder than it should and will need 2 AC units. The plan is just to put it on a 5x7 equipment platform.

Mark Schachner: I sent the Board some notes regarding the lease, some more important than others but it is up to the Board. The most glaring from my standpoint is that the company seems to be allowing only 5 days in which to cure a problem that could lead to default. I don't suggest going through this in an open meeting setting.

Supervisor Fisher: The Board will review the comments from the Town Attorney and reach out.

Councilman Suprenant: Have they done any engineering studies to find out if anything would interfere with their transmission?

Nicholas Smith: Transmission should be fine seeing as we are taking over Sprint's old antenna locations. We would go and do a structural analysis and have a NYS Engineer sign off saying that everything is structurally sound and built to code. Frequency won't be a problem.

PUBLIC/BOARD COMMENTS:

Councilman Suprenant: I would like to get together with the Town, Village and NYS Canal Corp. to get a kayak loading/unloading station at the Yacht Basin so that people can get out and visit the local businesses. It has been mentioned to me by quite a few residents as well as business owners. It's a project that I would like to see go forward.

MOTION by Councilman Suprenant, Seconded by Councilman Middleton to set up a meeting with Town, Village and NYS Canal Corp. to request putting in a kayak loading/unloading station in the Fort Edward Yacht Basin **ALL AYES**

MOTION by Councilman Middleton, Seconded by Councilman Suprenant to enter into executive session at 7:44 p.m. to discuss contract negotiations **ALL AYES**

MOTION by Councilman Middleton, Seconded by Councilwoman Mullen to come out of executive session at 8:27 p.m. **ALL AYES**

ADJOURNMENT:

MOTION by Councilman Middleton, Seconded by Councilwoman Mullen to adjourn the meeting at 8:28 p.m. **ALL AYES**

Dated: August 12, 2021

Aimee Mahoney, Town Clerk