

MINUTES OF THE TOWN OF FORT EDWARD TOWN BOARD REGULAR MEETING HELD ON MONDAY, SEPTEMBER 9, 2019 AT TOWN HALL COMMENCING AT 7:00 P.M.

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

PRESENT: Supervisor Middleton
Councilman Orsini
Councilwoman Mullen
Councilman Mercier

ABSENT: Councilman Fisher

OTHERS PRESENT: Lester Losaw, Brian Brockway, Donna Brockway, Gwendolyn Craig (The Post Star), Elizabeth O'Leary, Teresa Rose, Elaine Saltsman-Trackey, Katie DeGroot, Michelle Minor, Lynn Smith, Robert Derby, and Town Attorney Donald Boyajian, Jr.

APPROVAL OF MINUTES: MOTION by Councilwoman Mullen, Seconded by Councilman Orsini to approve the minutes of the regular meeting of August 12, 2019 **ALL AYES**

APPROVAL OF REPORTS: MOTION by Councilman Orsini, Seconded by Councilman Mercier to approve the following reports: Town Clerk Monthly, Town Justice, Building Inspector/Code Enforcement Officer, Zoning Officer, Highway, Assessor, Dog Control & Supervisor's Report **ALL AYES**

APPROVAL OF BILLS: MOTION by Councilman Orsini, Seconded by Councilman Mercier to approve Abstract #9 in the amount of \$103,966.83 **ALL AYES**

ABSTRACT #9

GENERAL A: 8534-8540, 8547-8562	\$10,492.06
GENERAL B: 8563-8566	\$ 931.61
HIGHWAY: 8524-8536,8546,8567-8585 void 8534,8526	\$84,064.12
MUNICIPAL: 8541, 8586-8588	\$ 1,186.30
SP. LIGHTING: 8542-8543,8589-8591	\$ 2,490.75
SP. WATER: 8544, 8592-8596	\$ 712.50
SP. WATER 2: 8545,8597-8600	\$ 4,089.49

TOTAL: \$103,966.83

Supervisor Middleton: The bill total is high this month due to not getting reimbursed yet for the Highway Garage fire expenses.

RESOLUTIONS:

RESOLUTION NUMBER 22 OF 2019

MOTION BY COUNCILMAN MERCIER

SECONDED BY COUNCILWOMAN MULLEN

WHEREAS, Kristine Geer was employed as a Lifeguard for the Town of Fort Edward in 1998, and

WHEREAS, she worked as a Lifeguard for 10 years before taking over as Pool Director in 2008 where she continued serving for the next 11 years.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Fort Edward hereby recognizes that the service of Kristine Geer was an asset to the residents of the Community and wish to express gratitude and sincere appreciation for her 21 years of service.

BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Kristine Geer as a dedicated employee with our sincere appreciation.

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

I, Aimee Mahoney, Clerk of the Town of Fort Edward hereby certifies that the above resolution was adopted by the Fort Edward Town Board at the Regular Meeting held on August 12, 2019.

Dated: September 9, 2019

Aimee Mahoney, Town Clerk

RESOLUTION NUMBER 23 OF 2019

MOTION BY COUNCILMAN ORSINI

SECONDED BY COUNCILMAN MERCIER

WHEREAS, the Fort Edward Town Board does hereby appoint Jennifer Holden as a member of the Town of Fort Edward Board of Assessment Review for a 5 year term, term ending September 30, 2024.

DATED: September 9, 2019

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

RESOLUTION NUMBER 24 OF 2019

MOTION BY COUNCILMAN ORSINI

SECONDED BY COUNCILMAN MERCIER

WHEREAS, the Fort Edward Town Board does hereby make the following budget transfer for 2019

Increase Consolidated Board of Health ----- \$5,000.00

TOTAL: \$5,000.00

Decrease Contingent (A1990.4)-----\$5,000.00

TOTAL: \$5,000.00

DATED: September 9, 2019

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

RESOLUTION NUMBER 25 OF 2019

MOTION BY COUNCILMAN ORSINI

SECONDED BY COUNCILWOMAN MULLEN

TITLE: 150TH ANNIVERSARY OF ST. JOSEPH'S CHURCH

WHEREAS, the St. Joseph's Catholic Church in the Village of Fort Edward is celebrating their 150 year Anniversary, and

WHEREAS, the church was constructed 102 years ago with the help of many community members, and

WHEREAS, the congregation worshipped on East St. from 1869-1917, and

WHEREAS, in May of 1917 the congregation consisted of 1,200 and today approximately 300 attend Sunday services and 600 families are registered with the church.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Fort Edward would like to express their gratitude to both parishioners as well as communicants of the congregation for their service to the residents of Fort Edward as well as neighboring communities, and

BE IT FURTHER RESOLVED, that a celebration will be taking place on Sunday, September 15th, 2019 at the school hall at 166 Broadway at 1:00 p.m. and all are invited and welcome to attend.

DATED: September 9, 2019

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

**RESOLUTION NUMBER 26 of 2019 OF THE TOWN BOARD
OF THE TOWN OF FORT EDWARD –
AUTHORIZATION TO PUBLISH ADVERTIZEMENT OF A REQUEST FOR
PROPOSALS FOR LANDFILL RENEWABLE ENERGY PROJECT**

MOTION BY COUNCILMAN MERCIER

SECONDED BY COUNCILMAN ORSINI

WHEREAS, the Town of Fort Edward (the “Town”) seeks proposals to develop, construct, install, operate, and maintain a Renewable Energy Project (“Solar Energy System” or

“Systems”) at the Town property located at 45 Leavy Hollow Lane, Fort Edward, New York 12839 (the “Property”); and

WHEREAS, the intention of the Town is to enter into a lease agreement with a qualified firm that will develop a Solar Energy system at the Property, which was formerly used as a landfill; and

WHEREAS, the Town of Fort Edward seeks authorization to publish and post a notice to bidders for proposals for such Solar Energy Project at the Property.

NOW THEREFORE BE IT RESOLVED, that the Town Clerk is hereby authorized to publish and post such notice for proposal for the Solar Energy Project for the Property located at 45 Leavy Hollow, Fort Edward, New York.

Dated: September 9, 2019

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

**RESOLUTION NO. 27 OF THE TOWN BOARD
OF THE TOWN OF FORT EDWARD FOR YEAR 2019
AWARDING CONTRACT FOR CONSRUCTION OF HIGHWAY GARAGE**

MOTION BY COUNCILWOMAN MULLEN

SECONDED BY COUNCILMAN ORSINI

WHEREAS, the Town Board of the Town of Fort Edward, by public notice duly published according to law, invited sealed proposals construction of a new highway garage, following the fire and destruction of said structure on or about May 8, 2019 ; and

WHEREAS, all such proposals received were considered publicly at Town Hall, on the time and place specified in said public notice; and

WHEREAS, said Town Board has determined that Rozell Industries, Inc. is the lowest responsible formal bidder for the work as detailed in the specifications.

THEREFORE, NOW BE IT RESOLVED, that the said bid response of Rozell Industries, Inc. be accepted;

AND BE IT FURTHER RESOLVED, that the Town Board Supervisor is authorized to enter into a contract with said Rozell Industries, Inc. for the necessary work as detailed in the specifications 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 attorney for the Town Board.

Dated: September 9, 2019

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

**RESOLUTION NO. 28 OF 2019
BOND RESOLUTION
REFUND PAYMENT FROM SETTLEMENT PROJECT – 2019**

A meeting of the Town Board of the Town of Fort Edward, Washington County, New York was convened in public session at Town Hall, 118 Broadway located in Fort Edward, New York on Monday, September 9, 2019 at 7:00 p.m., local time.

The meeting was called to order by the Town Supervisor and, upon roll being called, the following members were:

PRESENT: Councilman Orsini
Councilman Mercier
Councilwoman Mullen
Supervisor Middleton

ABSENT: Councilman Fisher

The following persons were ALSO PRESENT: Brian Brockway, Donna Brockway, Theresa Rose, Elaine Trackey-Saltsman, Katie DeGroot, Lester Losaw, Donald Boyajian, Jr., Michelle Minor, Bob Derby, Gwendolyn Craig, Elizabeth O’Leary, Lynn Smith

The following resolution was offered by Councilman Orsini, seconded by Councilman Mercier, to wit;

BOND RESOLUTION DATED SEPTEMBER 9, 2019

A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN TOWN TAX CHARGEBACKS THAT HAVE BEEN DETERMINED BY WASHINGTON COUNTY, NEW YORK, IN ACCORDANCE WITH THE SETTLEMENT RELATED TO THE WCC, LLC TAX CASE, AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$350,000 OF THE TOWN OF FORT EDWARD, WASHINGTON COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, the Town of Fort Edward, Washington County, New York (the "Town"), is obliged to pay certain town tax chargebacks that have been determined by Washington County, New York, in accordance with a stipulation of settlement ordered on March 19, 2019 related to the WCC, LLC tax case (the "Settlement"); and

WHEREAS, it is now desired to authorize the expenditure of up to \$350,000 to pay such chargebacks and to provide for the financing thereof through the issuance of bonds or notes of the Town in accordance with the New York Local Finance Law; NOW, THEREFORE,

BE IT RESOLVED, by the Town Board of the Town (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the payment of certain town tax chargebacks that have been determined by Washington County, New York, in accordance with the Settlement. The maximum cost of said purpose will not exceed \$350,000.

SECTION 2. The Town Board plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$350,000 of said Town, hereby authorized to be issued therefor pursuant to the Local Finance Law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in paragraph 33-a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is at least ten (10) years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will not be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable.

An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 23.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 2 of this resolution. This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town hereby determines that the payment certain town tax chargebacks that have been determined by Washington County, New York, in accordance with the Settlement is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 13. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in the official newspaper or newspapers of the Town.

SECTION 14. This resolution is not subject to permissive referendum pursuant to Section 35.00b(1)(4) of the Local Finance Law and this resolution shall take effect immediately.

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

VOTING - AYE
VOTING - AYE
VOTING - AYE
VOTING - ABSENT
VOTING - AYE

The foregoing resolution was thereupon declared duly adopted.

Dated: September 9, 2019

Katie DeGroot: Can you tell me what that means, is it a loan?

Donald Boyajian, Jr.: The resolution is authorizing the issuance of a bond of up to \$350,000.00, it is not a loan.

Katie DeGroot: Is that what you are doing?

Donald Boyajian, Jr.: We do not know if we are doing the bonding yet we still have to get rates from banks.

Elaine Trackey-Saltsman: If we get the tax payment that's due will that help?

Supervisor Middleton: The Article 7 agreement reached a fair value on the property.

Katie DeGroot: Who will be paying the taxes going forward? Is there another option?

Supervisor Middleton: The other option would be to add the amount to our tax levy which would make taxes increase a lot.

BUSINESS:

Elaine Trackey-Saltsman
Veterans Banners

Elaine Trackey-Saltsman: I am asking if the Board would agree to have the same Veteran's Banners in the Town as they have in Hudson Falls. The cost would be \$110.00/person, West Signs will print them and we can have them up by Memorial Day. I would leave 10 empty poles for Town use and I have close to 40 people interested so far.

MOTION by Councilman Orsini, Seconded by Councilman Mercier to allow that Veteran's Banners be placed on Town light poles **ALL AYES**

Supervisor Middleton: I think that is a great thing.

Quote to seal/stripe the parking lot

Supervisor Middleton: The Village went out to bid for the sealing and striping of the parking lot at Town Hall and received a quote of \$2,450.00 from Premier Pavement Marketing LLC and would like Board approval.

MOTION by Councilwoman Mullen, Seconded by Councilman Mercier to have Premier Pavement Marketing, LLC seal and stripe the parking lot at Town Hall for a price not to exceed \$2,450.00 **ALL AYES**

PUBLIC COMMENT:

Lynn Smith: My father Robert Derby lives at 22 Orsola Ave.; the drain in front of his house needs to be cleaned out.

Brian Brockway: We were just on that street cleaning out drains last week; they must have missed that one. We will take care of it tomorrow.

Lynn Smith: Thank you, my second issue is with Market 32. We were promised privacy through the use of trees and all we have are 3 scrub pines and 1 of them is dead. I can't do dishes without being blinded by headlights. I have had to walk over to the parking lot and ask people to turn off their lights and they are sleeping in the vehicle. We want more trees to block out the lights as well as the people.

Michelle Minor: I have pictures to show you of what we are talking about. All we want are more trees.

Supervisor Middleton: The store has been here 4 years, has this just started happening?

Lynn Smith: No it has been going on the whole time but we were just hoping something would be done, I have called the store and the Sheriff's Dept. NIMS is there at 7:00am making noise.

Donald Boyajian, Jr.: There are some things we could look at in the Town Code, I would like to look at the properties and see if we could come up with a solution.

Michelle Minor: Both Mitch and Darlene promised us privacy.

Councilman Mercier: When are they going to fill in the man holes on Oak St?

Brian Brockway: The Sewer District is waiting for the risers.

Katie DeGroot: What type of solar project is being proposed?

Supervisor Middleton: It would be a community project.

Donald Boyajian, Jr.: The Town has received inquiries about the property; it would mean extra revenue, green energy, potential jobs for residents and would be a long term lease.

Katie DeGroot: We just had solar installed and I would recommend the company called Sun Common.

Theresa Rose: Would it run the street lights?

Supervisor Middleton: What they can do with the energy depends on how much they can generate.

Katie DeGroot: Is cardboard free to recycle in the bins here?

Councilman Orsini: There is a large sign on the fence; they take 1-7 plastic, corrugated cardboard, box board, etc. They do ask that the boxes be broken down so they can fit more in the bins.

Theresa Rose: I notice that all of these garbage services do not sort the garbage and recycling, they have 2 containers but it all goes together so where does our stuff go?

Donald Boyajian, Jr.: It is single stream recycling; it all goes to another place and they sort it.

OTHER BUSINESS:

Supervisor Middleton: We need a motion to release the 2 pieces of equipment that sold on the auction site.

MOTION by Councilman Orsini, Seconded by Councilman Mercier to release the 2015 Roadside Mower for \$69,975.00 and the 2002 Roadside Mower for \$16,000.00 to the buyers
ALL AYES

Supervisor Middleton: We need to go out to bid for repairs on the roof at Town Hall as well as the roof at the Fort Miller Garage.

MOTION by Councilman Orsini, Seconded by Councilwoman Mullen to go out to bid for 2 roof projects; one at the Fort Miller Garage and the other at Town Hall **ALL AYES**

Brian Brockway: I am looking at a dump truck to replace the one that we lost in the fire; it has 75,000 miles on it and they are asking \$50,000.00. It looks to be in very good condition.

Supervisor Middleton: It would cost around \$128,000.00 for a new one.

MOTION by Councilman Mercier, Seconded by Councilman Orsini to purchase the 2011 International 7500 Single Axle Dump Truck w/plow **ALL AYES**

Supervisor Middleton: I found a 2015 F450 Dump Truck with 38,000 miles on it for \$33,000.00 in good shape.

MOTION by Councilman Mercier, Seconded by Councilman Mercier to purchase the F450 Dump Truck **ALL AYES**

MOTION by Councilman Orsini, Seconded by Councilman Mercier to set a 2020 Budget Workshop for Wednesday, October 2, 2019 at 10:00am **ALL AYES**

MOTION by Councilman Orsini, Seconded by Councilwoman Mullen to set a 2020 Budget Public Hearing for Tuesday, October 15, 2019 at 6:50pm **ALL AYES**

Supervisor Middleton: We are currently talking about having our retirees over 65 pay a percentage of their health insurance costs.

- Councilman Mercier will reach out to the retirees to get their feedback for the next meeting.

Brian Brockway: Washington County is requesting a shared services agreement. FEMA will not pay if there is no agreement in place.

Supervisor Middleton: We will prepare a resolution for next month.

Supervisor Middleton: I received a few phone calls recognizing Dick Belden's house on Burgoyne Ave. and they would like him to get a beautification award. I would like to do a resolution next month and present it to him at the meeting.

ADJOURNMENT

MOTION by Councilman Orsini, Seconded by Councilwoman Mullen to adjourn the meeting at 8:09pm **ALL AYES**

Dated: September 12, 2019

Aimee Mahoney, Town Clerk

