

**MINUTES OF THE TOWN BOARD OF THE TOWN OF FORT EDWARD MEETING
HELD ON MONDAY, SEPTEMBER 9, 2024 AT TOWN HALL COMMENCING AT 7:00
P.M.**

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

Pledge of Allegiance

PRESENT: Supervisor Fisher
Councilman Middleton
Councilwoman Collier
Councilwoman Mullen

ABSENT: Councilman Suprenant

OTHERS PRESENT: Thelma Hack, George Sigot, Evan Callahan, Caitlin Mahoney, Arlene Henley, Thad Henley, Janet Oswald, Mary Rowland, Jim Rowland, David Earsing, Kyle Cozzens, Katie DeGroot, Brian Brockway, Richard Belden, Elizabeth O’Leary, Peter Ives, Lynn Griffin, Amelia Peterson, Jan Peterson, Karl Peterson, David Black, Aleda Rosenblum-Katz, Maria Rosenblum, Kerri Culhane, Jason Black, Bruce Cushing, Gary Stine, Nina Lockwood, Theresa Rose, Amy Broz, Town Attorney Bill Nikas and Town Clerk Aimee Ives

APPROVAL OF MINUTES: MOTION by Councilwoman Collier, Seconded by Councilwoman Mullen to approve the minutes of the public hearing & regular meeting held on August 12, 2024 **ALL AYES**

APPROVAL OF REPORTS: MOTION by Councilman Middleton, Seconded by Councilwoman Collier to approve the reports of the Town Clerk, Town Justice, Building Inspector, Dog Control, Highway & Supervisor as submitted **ALL AYES**

APPROVAL OF BILLS: MOTION by Councilman Middleton, Seconded by Councilwoman Collier to approve Abstract #9 in the amount of \$40,884.96 **ALL AYES**

ABSTRACT #9

GENERAL A – (12722) 12723-12732,12739-12764	\$13,274.36
GENERAL B – 12765	\$ 79.00
HIGHWAY – 12766-12771	\$11,521.69
MUNICIPAL – 12733-12734,12772-12774	\$ 1,795.36
SPECIAL LIGHTING – 12735	\$ 2,838.30
SPECIAL WATER – 12736-12737,12775-12776	\$ 648.66
SPECIAL WATER 2 – 12738,12777	\$10,727.59

TOTAL: \$40,884.96

BUSINESS:

Evan Callahan
CS Energy
Solar Project Update

Evan Callahan: I am the Senior Project Developer with CS Energy. We are developing 2 projects in the Town of Fort Edward; Somers Solar which is located between Hunter Rd. and Duer Rd. and Dolan Solar which is located along Patterson Rd. adjacent to Woodard Rd. They are both 20MW utility scale solar projects. Somers received Site Plan approval as well as SEQR Negative Declaration in November and Dolan has previously received approvals but has gone through some re-design and is seeking those approvals again. Somers is about 130 acres and Dolan is about 109 acres; once we wrap up permitting we will be coming to the Town Board to discuss Host Community Agreements and Decommissioning Agreements.

Jim Rowland: What is the return on investment?

Evan Callahan: Large scale projects get a contract from the State and any return is based off of that contract. Typically it will be between 6% and 8%.

Theresa Rose: Who benefits?

Evan Callahan: We all benefit from the generation of clean energy; there are also tax deductions that come as a result of that in theory we will be producing low cost energy which should be reflected by your electricity bills. Also, the Host Community Agreement with the Town should bring in some additional revenue.

Councilman Middleton: How many megawatts is each project?

Evan Callahan: They are both 20MW/AC, enough to power 3,000-4,000 NY homes per year.

Jan Peterson: How many jobs is it creating?

Evan Callahan: Each project will create about 100 construction jobs.

Jan Peterson: Long term or just part time?

Evan Callahan: Most of the jobs will be created part time; there are some long term operating jobs that can be filled. As far as local job creation goes we use union labor for construction.

Jan Peterson: Is it local unions?

Evan Callahan: Yes.

Janet Oswald: If the projects have not already started; how many acres are being cut down?

Evan Callahan: Somers is 10-15 acres and Dolan is 32 acres.

Janet Oswald: Of clear land or forested land?

Evan Callahan: Of trees that will be cleared.

Janet Oswald: So no one has done the ratio of carbon sequestered by the forest and the loss of that compared to what we are getting out of the solar?

Evan Callahan: It should certainly net positive; I can do the math but I don't have it off the top of my head.

Councilman Middleton: I have met with most of the landowners and at one time approximately 80%-90% of this was active farmland that now has overgrowth. It was all fields for cows or crops and I know that the landowners can't wait for you guys to get started because it's a revenue source for them.

Kerri Culhane: Do you still have requirement for off-site mitigation for removal of forest or wetland?

Evan Callahan: Not for forest impact but if you impact a wetland you have to. Somers has no wetland impacts; Dolan has .8 acres of regulated adjacent area impacts. There is nothing being built within the wetlands themselves but each DEC jurisdictional wetland has a 100' buffer applied to it and we are seeking a permit for the adjacent area impacts for Dolan but DEC will not look at it until we are through the Town permitting process.

Storedtech Quote/Windows 11

Supervisor Fisher: We received a quote from Storedtech to update all work stations from Windows 10 to Windows 11 of \$5,009.90.

MOTION by Councilman Middleton, Seconded by Councilwoman Collier to approve the quote from Storedtech to upgrade from Windows 10 to Windows 11 operating system at a price not to exceed \$5,009.90 **ALL AYES**

2025 Budget Workshop

MOTION by Councilman Middleton, Seconded by Councilwoman Mullen to set the 2025 Town Budget Workshop for Tuesday, September 24, 2024 at 10:00am **ALL AYES**

2025 Preliminary Budget Public Hearing

MOTION by Councilwoman Collier, Seconded by Councilwoman Mullen to set the 2025 Preliminary Budget Public Hearing for Tuesday, October 15, 2024 at 6:55pm **ALL AYES**

RESOLUTIONS:

RESOLUTION #14 OF 2024

MOTION BY COUNCILWOMAN COLLIER

SECONDED BY COUNCILWOMAN MULLEN

WHEREAS, the Town Court is requesting authorization from the Town Board to apply for funding from the Justice Court Assistance Program during the upcoming grant cycle, and

NOW, THEREFORE BE IT RESOLVED, the Town Board of the Town of Fort Edward authorizes the Town of Fort Edward Town Court to apply for a JCAP grant in the 2024-25 grant cycle up to \$30,000.00.

Dated: September 9, 2024

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

RESOLUTION #15 OF 2024

MOTION BY COUNCILMAN MIDDLETON

SECONDED BY COUNCILWOMAN COLLIER

WHEREAS, the Town of Fort Edward received a request from Washington County Highway Superintendent for a speed limit reduction; and

WHEREAS, the request is for a reduction for North River Road located in the Town of Fort Edward; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Fort Edward hereby accepts and approves the request for a speed reduction for North River Road in the Town of Fort Edward; and

BE IT FURTHER RESOLVED, the Fort Edward Superintendent of Highways is hereby authorized and empowered to coordinate with Washington County and submit the resolution for speed limit reduction for North River Road from NYS Department of Transportation; and

BE IT FURTHER RESOLVED, this resolution shall take effect immediately.

Dated: September 9, 2024

Vote: Councilman Middleton – AYE
Councilwoman Collier – AYE

Councilwoman Mullen – AYE
Councilman Suprenant – ABSENT
Supervisor Fisher - AYE

CORRESPONDENCE:

Supervisor Fisher: We have correspondence from Kerri Culhane regarding the speed limit on North River Rd. Brian went up and spoke with the County Highway Superintendent. I believe we have been through this before; previous administrations have applied to the State and it was shot down. The State determines the speed limit and right now it is 55mph.

Kerri Culhane: There are many factors that would make this road not a candidate for a 55mph speed limit, blind curves and soft shoulder. Brian has posted it at 40mph.

Supervisor Fisher: Yes, those 40mph signs are suggested speed limits and cannot be enforced by law.

Kerri Culhane: Post it at 25mph then, it's a matter of safety and if it's a random number then why not err on the side of safety. My neighbors and I are here tonight to talk about that. I see that Brian applied for the traffic study, how long until you find out about that?

Brian Brockway: 1-2 years.

Kerri Culhane: What is the community engagement?

Brian Brockway: There is none, the State does it.

Supervisor Fisher: We have to go through Deb Donahue, Washington County DPW Superintendent.

Brian Brockway: We have to send the County a resolution to do a study which then has to be approved by the County Highway Superintendent who will send the paperwork to the State and in one to two years you will have an answer.

Supervisor Fisher: Administration in years past had tried to get the speed limit lowered and were told by the State that there is not enough traffic on that road.

Mary Rowling: Respectfully, there may not be a lot of car traffic but there is a lot of pedestrian traffic, a lot of people walk that road, bike on that road, there is a family that has 6 kids that play there and a motorized wheelchair that uses that road almost daily. These people don't have the time to get off the road when somebody is coming 40mph and there is no shoulder to get off on. It's very dangerous, there are blind curves and it is just not a safe situation. Are you going to wait until somebody gets hurt before you decide to do a study?

Councilman Middleton: Have any of you called the Sherriff?

Mary Rowling: Yes, we have called the Sherriff and they come through maybe once every other day and they aren't going to see anything like that.

Nina Lockwood: First of all when anyone sees 40mph they are going to go 50mph. There are a couple corners that you can't see around and I was on my bike and saw a little boy around 7 years old, no helmet, unsteady on his bike and a car came by and barely missed him. There were birders that were trying to stay off Jason & Kerri's property and our property so they are on the side of the road when these cars go flying by and they are scared for their lives because they are not slowing down. Then you have the delivery trucks, UPS, Amazon & FedEx and they drive like a bat out of hell on that road. It is dangerous for anyone walking or biking on that road and we do not want to see someone get into an accident on our road. They are driving much faster now that it's paved also. If there is anything you can do in the interim to make it safer for us we would appreciate it.

Katie DeGroot: What about speed bumps?

Brian Brockway: They aren't legal.

Kerri Culhane: I know of a scenic road that has speed bumps every 50 yards and the speed limit is 25mph because it's a scenic road.

Bruce Cushing: I understand State Rte. 4 is a bike road and the speed limit is 55mph but we have gangs of bicycles that come down our road and they do not ride single file, they are riding 4 abreast. This is a recreational road now; it is not the same old area that it used to be.

George Sigot: When you talk to the State you should emphasize that this is not a connection road, it is not going from anywhere to anywhere. This is not an issue of traffic flow.

Supervisor Fisher: The State regulates the speed limit. If it were up to us it would be 25mph.

George Sigot: When you talk to them you should emphasize this because the State does not know what the road is.

Jan Peterson: I compare this situation to Meadowbrook Rd. in Saratoga. This is a similar situation in that you do not need to be on that road unless you live on it. They could be on Route 29, they could be on Route 4 vs. our road and their speed limit is 30mph. I wonder if they had to have it reduced also.

Supervisor Fisher: Is that a Village that you're talking about?

Jan Peterson: Town of Saratoga.

Supervisor Fisher: Maybe they went through the same process that we are going through now.

Kyle Cozzens: I own Evergreen Bicycle Works here in the Village and I am also the Executive Director of Promote Fort Edward which is our local recreation, parks and tourism advocacy

group. In both of those capacities we would fully support a reduction in the speed limit. Since we were accepted as an Empire State Trail Town by Parks & Trails NY as the Town of Fort Edward that totally falls in line with that; I don't know if it is purely a procedural application but in both those capacities we would be happy to write a letter of support and I know that Parks & Trails NY, in the action agenda that is going to be produced, lowering the speed limits is part of that.

David Black: One of the arguments that I heard is that the State has a speed limit and it is 55mph. It was posted at 40mph without a State survey.

Councilman Middleton: Do you want Brian to go pull the signs out?

Crowd: Yes

David Black: That is my argument; if it was arbitrarily chosen to be 40 mph without the guidance of the State then what is stopping you from posting it at 25mph or 15mph.

Councilman Middleton: If we put it at 15mph a Police Officer can sit there all day but he can't write a ticket because it is posted illegally.

Supervisor Fisher: We can put new signs up but they can't be white they have to yellow and it's just a suggestion but we will do that.

Bruce Cushing: We should also have signs stating caution: pedestrians.

Councilwoman Collier: Is there signage there now about the bike trail?

Nina Lockwood: Yes, just the trail sign but nothing to caution about the bicyclists and pedestrians.

Supervisor Fisher: We will get the signs changed.

Janet Oswald: Fort Miller Rd. is posted at 15mph, why not just extend the speed limit of 15mph that is on Fort Miller Rd.?

Supervisor Fisher: We will get the signs changed to 15mph.

Kerri Culhane: If there are any opportunities to put up slow or watch for pedestrians signs especially near the curves that would be great.

Gary Stine: Just for clarity's sake I don't think writing tickets even enters into it because cops are never there writing tickets it's just to put awareness in people's minds to not drive 50mph on that stretch.

Maria Rosenblum: We still want the study done.

Brian Brockway: Children at play signs aren't legal anymore.

Attorney Nikas: Residents are entitled to put up any sign they want as well as the Town. Has there ever been a study on this road before?

Supervisor Fisher: Yes around 2008.

Kerri Culhane: A study was never done.

Supervisor Fisher: Like Kyle said, now that we have some traction the State might pay attention. It has been done before.

Kerri Culhane: I just want to clarify; the study has never been done before. The request for a study may have been done.

Brian Brockway: The study was done before because that is how it got set at 55mph.

Jim Rowland: None of this addresses the bad safety issue that we have with the shoulders of the road. I don't think it's something we want to wait months for it has to be addressed right away.

Kerri Culhane: In some places the road is extremely high so if you step off that shoulder there is no transition it's a drop off. We are not suggesting that you pave the shoulders.

Maria Rosenblum: What about the nice big mound of stuff in Mill Park?

Brian Brockway: It's too big.

Janet Oswald: If we could just summarize a little bit, in regards to doing the study. The road was changed to paved just this year, within 2 years' time we have had Empire Trail posted and it's become publicized with the whole Erie Canal and Champlain Canal, the connection clear to Canada. Can't we somehow get some leverage from the Erie Canal Trail?

Supervisor Fisher: Kyle is working on that.

Janet Oswald: How does that intermesh with the State and this legal posting?

Kyle Cozzens: I don't know, if it is purely a procedural thing where they have to apply and it's cut and dry then I don't know that there is anything that we can do but if there can be any community influence as Executive Director of Promote Fort Edward and owner of the bicycle shop and through the Parks & Trails NY Trail Towns Program and Parks & Trails NY themselves there could be a lot of support there.

Janet Oswald: In regards to the people that use it, there is a consistent use of a senior group, 10 bicyclers, people training of which I have counted 14. Why are these cars coming down perusing our area now; because the road was paved and that is the only reason. Argyle had no trouble with their speed limit in Town when they had all the rough pavement. I would like to know what is happening now that they have re-paved everything. That is what changes people's perception of how fast they can go. The Bicyclers could also use a pavilion in our Park on that cement slab for

shade. That is one comment I get is that there is no place to stop for shade. Mill Park would be a nice place to have a pavilion on that cement slab.

Supervisor Fisher: Councilman Middleton was looking for ideas for that Park; we will be working on upgrades depending on some of the host packages that we are working on with solar companies.

Kerri Culhane: I would like to thank the Town Board and Brian Brockway for being responsive and being willing to do this. It really means a lot to us.

Mary Rowland: And we do have the best Town guys around.

Thad Henley: The one thing that is confusing me and I have only been on the street for a couple years but since we have moved in, from the Lock 6 Bridge onto Fort Miller Road and the Fire Station is posted 15mph and all the way past my house it's posted 15mph so that has been 15mph all along but then they paved the new section from the middle bridge to the third bridge it goes up to 40mph.

Brian Brockway: If they are yellow signs it means suggested.

Kerri Culhane: One of the two no parking signs disappeared across from the cemetery.

Attorney Nikas: Were you going to pass a resolution tonight similar to the Fort Ann resolution? I would also suggest that with the support you have here, everybody should put in a petition with one section from the residents of the road with a narrative of what the problem is and another section with the non-profit support as well and then that resolution should go not only to NYSDOT but also Carrie and Dan, people are directly representing the community.

**David Earsing
Budget Request
2025 Parade**

Supervisor Fisher: The Village is dissolving their Court so we have to take that expense on for next year. As we are putting the budget together we have to consider these things. You are asking for \$12,000.00 from the Town and \$5,000.00 from the Village? Why only \$5,000.00 from the Village?

David Earsing: The understanding was that in the past when they did Heritage Days the Town gave \$12,000.00. At the time I suggested \$5,000.00 from the Village because I didn't know if they did anything for Fort Edward so I just threw a number out there. I have no idea what they have done in the past and I didn't have time to research it. I figured the Village was smaller so I just reduced it.

Attorney Nikas: Who is receiving the money? What entity?

David Earsing: Rogers Island is the 501-C sponsor.

Supervisor Fisher: We will review it at the Budget Workshop.

Councilman Middleton: I received correspondence from Susan Herrington and NY Citizens Audit Group and after reviewing the information I have all the confidence in our present Board of Elections and I would like to table it.

MOTION by Councilman Middleton, Seconded by Councilwoman Mullen to table the correspondence from Susan Herrington and the NY Citizens Audit Group **ALL AYES**

Brian Brockway:

- The garbage truck is in Texas and the hold-up is the mirrors. Whoever International contracted with for mirrors has a fire at their factory. The truck is built and sitting waiting to be delivered. It cannot legally be delivered without mirrors. The body is built and in Michigan, the body company told me that as soon as I know the truck is being delivered he will send the body.
- Garbage pickup will remain the same but I will be going down to 2 guys. One of the 2 new CDL Drivers will be driving it.
- We have a truck at Delurey's getting a new clutch. It needed a clutch when winter ended last year.
- Peckham called today and they are going to mill Burgoyne Ave. on Thursday and wanted to know if we could help with the millings and we can have whatever we haul. I will send 3 trucks up again and stockpile them at the dump like we did the last round and we will put it in the cemetery where we put the last round.

Councilman Middleton: Speaking of cemeteries, if you get some fill can you put some down at the lower entrance of Fort Miller.

Theresa Rose: Are garbage stickers going up because of the new truck?

Supervisor Fisher: No, we just raised it in January of 2023 for the first time in 15 years because we lost so many customers to the private haulers.

Brian Brockway: Should we have certain days for each hauler?

Attorney Nikas: Hudson Falls licenses them and a condition of the license is hours/days of operation.

Kerri Culhane: Does the Town charge private haulers?

Supervisor Fisher: No

Jan Peterson: What is the latest with Mill Park and the Playground?

Councilman Middleton: It's a work in progress.

Jan Peterson: What does that mean?

Councilman Middleton: It's something we are working on now.

Supervisor Fisher: We are hoping to negotiate upgrades to Mill Park as well as the Park by the pool in our host benefit package.

Councilman Middleton: Any interest in Pickle ball Courts?

Crowd: No Pickle ball but tennis nets would be nice.

ADJOURNMENT:

MOTION by Councilman Middleton, Seconded by Councilwoman Mullen to adjourn the meeting at 8:00pm **ALL AYES**

Dated: September 19, 2024

Aimee Ives, Town Clerk