## MINUTES OF THE TOWN OF FORT EDWARD PUBLIC HEARING & REGULAR MEETING HELD ON TUESDAY, OCTOBER 15, 2019 AT TOWN HALL COMMENCING AT 6:50P.M.

Supervisor Middleton opened the public hearing at 6:50pm

**PRESENT:** Supervisor Middleton

Councilman Orsini Councilwoman Mullen

Councilman Fisher ABSENT: Councilman Mercier

**OTHERS PRESENT:** Brian Brockway, Donna Brockway, Peter Ives, Gwendolyn Craig, Katie DeGroot, John Hinchliffe, Suzanne Hinchliffe, Dan Cantiello, Lester Losaw, Elizabeth O'Leary, Teresa Rose and Town Attorney Donald Boyajian, Jr.

The following notice was published in the Post Star on October 8, 2019:

### TOWN OF FORT EDWARD NOTICE OF PRELIMINARY BUDGET HEARING

Notice is hereby given, the preliminary budget for the Town of Fort Edward, Washington County, New York, for the fiscal year beginning January 1, 2020, has been completed and filed in the Office of the Town Clerk, 118 Broadway, Fort Edward, New York where it is available for inspection during regular business hours.

Further notice is hereby given, the Town Board will hold a public hearing thereon Tuesday, October 15, 2019 at 6:50 P.M. at the Town Hall, 118 Broadway, Fort Edward, New York and at such hearing any person may be heard.

Pursuant to Section 113 of the Town Law, the proposed salaries of the following town officers are hereby specified as follows:

Supervisor	- \$ 10,500
Town Councilman (4)	- \$ 4,433
Superintendent of Hwy	- \$ 61,133
Town Clerk/Collector	- \$ 43,674
Town Justice	- \$ 15,759

#### In addition, REAL PROPERTY TAX LAW-SECTION 495

Exemption report: shows total assessed value on the final assessment roll that is exempt from taxation: shows the cumulative impact of all exemptions granted: this report is part of the final budget, and made available at the Town Hall.

Publish: October 8, 2019

**Supervisor Middleton:** The increase in the budget is just under 1% which equals out to \$.28 per thousand.

#### **PUBLIC COMMENT:**

**John Hinchliffe:** I have lived in the Town of Fort Edward for 45 years; I live on Anthony Dr. How did WCC get out of Town without paying their taxes?

**Supervisor Middleton:** WCC did not get out of Town without paying their taxes; they were in what is called an Article 7 which in laymen's terms a tax lawsuit. About a year ago they paid just under \$2,000,000.00 for the reviewed assessment.

**Lester Losaw:** How do you do a budget without knowing what you spent last year?

**Supervisor Middleton:** We do know what we spent last year; we sat down with Pete and did the budget.

**Lester Losaw:** You didn't put it on the sheet for the rest of us.

**Supervisor Middleton:** We have been doing the budget like this for 12 years, I have been at the County for the last 2 and this is how they did it as well.

Lester Losaw: No I don't think so.

**Supervisor Middleton:** I have the County Budget if you would like me to show you.

**Lester Losaw:** Every budget I have seen shows what you spent last year, how can you anticipate knowing what you are going to need for this next year if you don't know what you've spent or on the same token what you've spent year to date as compared to what your budget is?

**Supervisor Middleton:** Do you have a question about a certain part of the budget?

**Lester Losaw:** I feel that information should be available. I went through and looked at your AUD so that I could tell but I shouldn't have to do that. Did your PILOTS go up this year?

**Supervisor Middleton:** Yes and the assessments went down \$4,000,000.00.

**Lester Losaw:** What is the superfund used for now? You have \$10,000.00 in there.

**Supervisor Middleton:** We are going to use that for the salt shed.

**Lester Losaw:** Have you bonded yet for what you owe the County?

**Supervisor Middleton:** We got back the rates and they look very good.

**Lester Losaw:** Are you looking for a 5 year bond of \$350,000.00?

**Supervisor Middleton:** Yes

**Lester Losaw:** Last year you put in \$132,000.00 and \$17,000.00 for bonding for the County, did you do anything with that?

**Supervisor Middleton:** We did not, that will make our first bond payment. That number was a moving target; at one point the County said we owed almost \$600,000.00.

**Lester Losaw:** So you are using the amount from last year plus bonding \$350,000.00 on top of that?

**Supervisor Middleton:** That is correct.

**Katie DeGroot:** I called Aimee and she helped me understand what contractual means. The Attorney budget for 2018 was \$18,000.00 and the budget going forward is \$35,000.00. It is under contractual so what does that mean?

**Donald Boyajian, Jr.:** For part of that year they were without an Attorney and then when Dreyer Boyajian was retained it was a flat monthly retainer which has not changed.

**Supervisor Middleton:** We added in some money for bond counsel; when you get a bond you have an option to roll that money into the bond and pay interest on it and we do not want to go that route.

**Donald Boyajian, Jr.:** Certain matters come up that are highly specialized and require a specialized Attorney.

**Katie DeGroot:** I am wondering about the meeting when the Post Star asked about the F.O.I.L. request; it was a meeting that had to do with the dewatering site and the formation of different groups and Don Boyajian was there or was he just saying that the Post Star was incorrect? It wasn't a Town Board meeting.

**Donald Boyajian, Jr.:** Are you referring to an LDC meeting?

**Katie DeGroot:** Yes

**Donald Boyajian, Jr.:** I had served as Acting Secretary to keep the minutes for the meeting.

**Katie DeGroot:** Is that a conflict of interest?

**Donald Boyajian, Jr.:** No because this LDC is created through the Municipal Law as an LDC that is controlled by the Town it is not entirely separate and removed.

**Katie DeGroot:** I know that being involved with politics right now is a very contentious and problematic thing and I appreciate you guys putting in the time and being here. If we are about to get a bond that the Town will have to pay back then why did the Town not buy that property?

Councilman Orsini: That's a good question because I was on the Town Board before Terry and Tim and I voted to take that site by Eminent Domain. That is the reason Merrilyn Pulver lost the election and the reason Terry came into office. If we had taken that property by Eminent Domain none of this would be going on. I am involved in this right now because I am the last one in this room that has been involved in this from before the dredging started until now. I am trying to be a responsible citizen and try to bring this to an end and get some taxable income back into this Town.

**Katie DeGroot:** The Statutory Installment Loan, what is that?

**Supervisor Middleton:** That is for the bond.

**Katie DeGroot:** The Justice personnel line is only \$15,000.00 and Aimee explained that is because we share the Justice but the contractual amount seems high at \$28,000.00.

**Peter Ives:** That is for ½ of his Clerk's salary, benefits and retirement.

**Katie DeGroot:** I didn't know that contractual also involved personnel. In looking at the Highway budget it also has a really high amount for contractual, is that partly personnel also?

**Peter Ives:** That is not personnel, are you referring to refuse and garbage?

Katie DeGroot: Yes

**Peter Ives:** That is for fixing the garbage truck and things of that nature but not any personnel.

**Lester Losaw:** What is the amount that you owe the County right now?

**Supervisor Middleton:** A little over \$360,000.00.

**MOTION** by Councilman Orsini, Seconded by Councilman Fisher to close the public hearing at 7:05pm **ALL AYES** 

Supervisor Middleton called the regular meeting to order at 7:06pm

Pledge of Allegiance

**PRESENT:** Supervisor Middleton

Councilman Orsini Councilwoman Mullen

Councilman Fisher ABSENT: Councilman Mercier

**OTHERS PRESENT:** Brian Brockway, Donna Brockway, Peter Ives, Gwendolyn Craig, Katie DeGroot, John Hinchliffe, Suzanne Hinchliffe, Dan Cantiello, Lester Losaw, Elizabeth O'Leary, Teresa Rose and Town Attorney Donald Boyajian, Jr.

**APPROVAL OF MINUTES: MOTION** by Councilman Fisher, Seconded by Councilwoman Mullen to approve the minutes of the meeting of September 9, 2019 **ALL AYES** 

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

**APPROVAL OF BILLS: MOTION** by Councilman Orsini, Seconded by Councilwoman Mullen to approve Abstract #10 in the amount of \$112,759.36 **ALL AYES** 

#### **ABSTRACT #10**

<b>GENERAL A:</b>	8618-8650	\$16,491.73
<b>GENERAL B:</b>	8651-8658	\$ 1,790.12
<b>HIGHWAY:</b>	8659-8677 (void 8665)	\$64,242.03
<b>MUNICIPAL:</b>	8678-8689	\$ 6,910.64
SP. LIGHTING:	8690-8692	\$ 2,833.73
SP. WATER:	8693-8699	\$20,274.14
SP. WATER 2:	8700-8703	\$ 216.97

TOTAL: \$112,759.36

**RESOLUTIONS:** 

#### **RESOLUTION NUMBER 29 OF 2019**

#### MOTION BY COUNCILMAN FISHER

#### SECONDED BY COUNCILMAN ORSINI

**WHEREAS**, Mr. Richard Belden has been a longtime resident of the Town of Fort Edward residing at 1254 Burgoyne Avenue, and

**WHEREAS,** several residents of the Town have contacted the Town Board commenting on how beautiful the yard and flowers are and recommending that he receive a Beautification Award.

**NOW, THEREFORE BE IT RESOLVED,** that the Town Board of the Town of Fort Edward hereby recognizes Mr. Richard Belden of 1254 Burgoyne Avenue for all the hard work he puts into his yard and flowers, especially the Geraniums to make it one of the nicest in the Town, and

**BE IT FURTHER RESOLVED,** that a copy of this resolution be presented to Mr. Belden with our sincere appreciation.

Dated: October 15, 2019 Vote: Councilman Orsini: AYE

Councilwoman Mullen: AYE Councilman Fisher: AYE Supervisor Middleton: AYE Councilman Mercier: ABSENT

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 October 15, 2019.

Dated:	October 15, 2019	

# RESOLUTION NUMBER 30 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 ORSINI

#### SECONDED BY COUNCILMAN FISHER

**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: October 15, 2019 Vote: Councilman Orsini: AYE

Councilwoman Mullen: AYE Councilman Fisher: AYE Supervisor Middleton: AYE Councilman Mercier: ABSENT

RESOLUTION NO. 31 OF THE TOWN BOARD OF THE TOWN OF FORT EDWARD FOR YEAR 2019 AWARDING ROOFING REPAIRS CONTRACT

#### MOTION BY COUNCILMAN ORSINI

#### SECONDED BY COUNCILMAN FISHER

**WHEREAS**, the Town Board of the Town of Fort Edward, by public notice duly published, invited request for proposals for metal barn roofing; 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 Thomas Szkutak (DBA TKO Construction) is the lowest responsible formal bidder for the work as detailed in the request for proposals.

**THEREFORE, NOW BE IT RESOLVED**, that the said bid response of Thomas Szkutak be accepted;

**AND BE IT FURTHER RESOLVED**, that the Supervisor is authorized to enter into a contract with said bidder for the necessary work as detailed in the request for proposals and for

the price specified in said proposal, said contract to be approved by the attorneys for the Town Board.

Dated: October 15, 2019 Vote: Councilman Orsini: AYE

Councilwoman Mullen: AYE Councilman Fisher: AYE Supervisor Middleton: AYE Councilman Mercier: ABSENT

#### RESOLUTION NO. 32 OF THE TOWN BOARD OF THE TOWN OF FORT EDWARD FOR YEAR 2019 AWARDING ROOFING CONTRACT

#### MOTION BY COUNCILMAN ORSINI

#### SECONDED BY COUNCILMAN FISHER

**WHEREAS**, the Town Board of the Town of Fort Edward, by public notice duly published, invited request for proposals for town hall roofing repairs; 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 Thomas Szkutak (DBA TKO Construction) is the lowest responsible formal bidder for the work as detailed in the request for proposals.

THEREFORE, NOW BE IT RESOLVED, that the said bid response of Thomas Szkutak be accepted;

AND BE IT FURTHER RESOLVED, that the Supervisor is authorized to enter into a contract with said bidder for the necessary work as detailed in the request for proposals and for the price specified in said proposal, said contract to be approved by the attorneys for the Town Board.

Dated: October 15, 2019 Vote: Councilman Orsini: AYE

Councilwoman Mullen: AYE Councilman Fisher: AYE Supervisor Middleton: AYE Councilman Mercier: ABSENT

RESOLUTION NO. 33 OF THE TOWN BOARD
OF THE TOWN OF FORT EDWARD FOR YEAR 2019
REJECTING ALL BIDS AND IN REISSUANCE OF NEW REQUEST FOR BIDS
RELATED TO PLUMBING & MECHANICAL AT HIGHWAY GARAGE
CONSTRUCTION

#### MOTION BY COUNCILMAN ORSINI

#### SECONDED BY COUNCILWOMAN MULLEN

**WHEREAS**, the Town Board of the Town of Fort Edward, by public notice duly published, invited request for proposals for plumbing work related to the construction of the new Town Highway Garage; and

WHEREAS, the Town Board may reject all bids, in its discretion and pursuant to General Municipal Law Section 103; and

**WHEREAS**, said Town Board has determined that it wishes to reject all bids as related to said plumbing work and re-solicit new bid proposals related thereto.

**THEREFORE, NOW BE IT RESOLVED**, that the Town Board rejects all bids related to the plumbing work for the new Town Highway Garage;

**AND BE IT FURTHER RESOLVED**, the Town Board hereby calls for new bid proposals for plumbing work related to the construction of the Town Highway Garage, in conformance with the bid specifications and Notice To Bidders, available at the Town Clerk's Office, 118 Broadway, Fort Edward, NY 12828, which are to be received by the Town Clerk's Office, on or before the 21<sup>st</sup> Day of October 2019 at 2:00 P.M.

Dated: October 15, 2019 Vote: Councilman Orsini: AYE

Councilwoman Mullen: AYE Councilman Fisher: AYE Supervisor Middleton: AYE Councilman Mercier: ABSENT

RESOLUTION NO. 34 OF THE TOWN BOARD
OF THE TOWN OF FORT EDWARD FOR YEAR 2019
AUTHORIZING SHARED SERVICE FOR ROAD SALT STORAGE AND PURCHASE
OF SALT STORAGE STRUCTURE

#### MOTION BY COUNCILMAN ORSINI

#### SECONDED BY COUNCILMAN FISHER

**WHEREAS**, the Town of Fort Edward (the "Town") and the Village of Fort Edward (the "Village") each require the use and storage of road salt; and

**WHEREAS**, the Town and the Village wish to store road salt in a joint structure to be shared by the Town and Village, with said road salt separately partitioned for the Town and Village's respective uses.

**THEREFORE, NOW BE IT RESOLVED**, that the Town Board authorizes the joint purchase of a road salt storage unit with the Village, with such cost to be shared equally by each of the Town and the Village;

**AND BE IT FURTHER RESOLVED**, that the Town Board authorizes the Town to enter into any contract as may be required to effective the purchase of said road salt storage unit, and any shared service related thereto between the Town and the Village.

Dated: October 15, 2019 Vote: Councilman Orsini: AYE

Councilwoman Mullen: AYE Councilman Fisher: AYE Supervisor Middleton: AYE Councilman Mercier: ABSENT

#### **PUBLIC COMMENT:**

**Katie DeGroot:** Do we have a solar power regulation?

**Supervisor Middleton:** Yes and it's in our codebook.

**Katie DeGroot:** Why didn't the Town of Fort Edward buy the dewatering site?

**Supervisor Middleton:** If the Town bought the property it would be off the tax roll.

**Katie DeGroot:** It is off the tax roll.

Supervisor Middleton: No it's not off the tax roll; they are being taxed on the assessed value of

\$10,000,000.00.

**Katie DeGroot:** Have those taxes been paid?

**Supervisor Middleton:** Not yet, they owe the most recent taxes.

**Katie DeGroot:** Who owes the taxes?

**Supervisor Middleton:** The owner of the property.

**Katie DeGroot:** The owner of the property is who?

**Councilman Orsini:** Fort Edward Local Property Development Corp. a 501C3 not for profit that has a Board of Directors and I am the President of the Board of Directors so technically we owe those taxes.

**Katie DeGroot:** Will the taxes get paid?

Councilman Orsini: Yes of course

**Katie DeGroot:** I still want to know why we didn't buy it.

**Donald Boyajian, Jr.:** Because this property is of the nature that it needs economic development and it would serve the benefit of the Town to have economic development be the focus of this property it made the most sense from that perspective and others to have it held by a Local Development Corp. which is a specific tool created by New York Law for that purpose.

**Supervisor Middleton:** For example, up next to the airport the IDA owns the property up there. The difference between what is happening up there and what is happening here is the group that went together here is paying taxes on it.

**Katie DeGroot:** There is another difference, if the Town owned it and it gets developed which I believe it will then we would actually as a Town profit from that.

**Councilman Orsini:** The Town is going to profit from it anyway through taxes.

**Katie DeGroot:** In Saratoga they have these properties that D.A. Collins has been involved with and turned over and the Town went out of their way to own and then they used that property to develop it and they made the money from it.

**Councilman Orsini:** Get D.A. Collins out of your head, this property has nothing to do with D.A. Collins. A couple of the principals in the management company are also principals of D.A. Collins but D.A. Collins has nothing to do with us. In our existing management agreement we are going to divide the income between us because that is what an LDC does it creates seed money for businesses.

**Katie DeGroot:** As a taxpayer I feel like this is a large amount of money to come up with when I would like my recycling picked up.

**Councilman Orsini:** That is a totally different subject.

**Katie DeGroot:** That was a bad example but there are other things that could be done with that money.

**Supervisor Middleton:** What are the taxpayers coming up with?

**Katie DeGroot:** We are getting a loan, are we not?

**Supervisor Middleton:** That is because of the Article 7, the same thing happened with GE except we didn't get a loan.

**Councilman Orsini:** What they do is take us to court and then they win. Every time GE took us to court for the Article 7 they won. Sooner or later you have to come to an agreement.

**Supervisor Middleton:** I am quite proud that with everything that happened in the past year, we lost the Town Barn and have to pay the County and still only went up 1%.

**Katie DeGroot:** I suppose it could be bizarre and taxes could go down.

**Supervisor Middleton:** If the barn didn't burn this year they probably would have.

**Katie DeGroot:** I just think it's very important and I am trying to understand why we as a Town didn't purchase something that we could have profited from in ways other than taxes.

**Councilman Orsini:** Because we don't have \$10,000,000.00.

**Supervisor Middleton:** We did look into it but we had Attorneys advising us that this would be the best way for Fort Edward to get the benefit out of it. They advised us to create an LDC to promote the sale and bring business in. They also offered it to the County and the IDA.

**Katie DeGroot:** I am just trying to understand because it is very unclear and I have people asking me questions.

**Supervisor Middleton:** have them give me a call.

**Donald Boyajian, Jr.:** Regarding your question before about the solar, the code does not regulate the installation of solar if that is what you were talking about.

**Katie DeGroot:** I was just asking, I know that Moreau had passed solar restrictions, they don't want to have giant farmland plots of solar.

**Donald Boyajian, Jr.:** Our code does not have those types of provisions it just has the same types of setback requirements and other zoning requirements that you would have in different zoning designations.

**Supervisor Middleton:** Katie maybe this will set your mind at ease, the people that are looking at your property and the other property have been to the Town and they have a copy of all the zoning and are very familiar.

**Katie DeGroot:** I'm not interested in solar I just know that they were all around a couple years ago and everyone got this enticing letter and if you read anything about it it's not what you want to do.

**Supervisor Middleton:** They were in just a week or so ago.

**Dan Cantiello:** I have 2 properties with solar, if you have a farm it does raise money but you need at least 20 acres. I have 2 houses with solar, it does save you money but it could make money for the area if they sell it back to you but it takes a long time to get your money back and it's a very expensive process.

**Supervisor Middleton:** How long have you had your solar?

**Dan Cantiello:** I have had my solar now for 4 years, I own my own solar on 1 house, I have 52 panels and I make money off it but you need at least 20 acres and you don't want it in an area like this. It's going to take 10 years to make your money back.

**Councilman Orsini:** Do you have a reverse meter?

**Dan Cantiello:** I have a reverse meter on both my houses, 1 I own and 1 I lease my panels because panels are expensive.

**John Hinchliffe:** If WCC paid their taxes then why do we owe the County?

**Supervisor Middleton:** Because the property was assessed higher, we went to court and we lost. It was over assessed.

**Donald Boyajian, Jr.:** The County made payments to the Town based upon a higher assessed value. The years that the property was in dispute the County made make whole payments to the Town that now we have to pay back based on the new assessment that they won in the lawsuit.

**Suzanne Hinchliffe:** If they paid \$2,000,000.00 then they gifted the property to the LDC with more being owed?

**Supervisor Middleton:** At the time the property was gifted there was nothing owed against it.

**Suzanne Hinchliffe:** Ok, why didn't the Town take it then?

**Donald Boyajian, Jr.:** The LDC is a legal structure that is specifically created for economic development on properties specifically in the context of municipalities trying to facilitate that.

Councilman Orsini: We are a landlord.

Suzanne Hinchliffe: Ok but the taxes aren't paid.

**Councilman Orsini:** They will be paid; I haven't even received our school tax bill yet.

**Suzanne Hinchliffe:** Mine were due the 1<sup>st</sup> of the month.

Supervisor Middleton: Back when the County wanted to 1138 the property, if the County had done that then the Town, Village and School would pay everything back and the property would be taken off the tax roll. We came to an agreement with the Article 7 where the prior owners would pay \$2,000,000.00 that you as a taxpayer didn't have to pay back. By putting it in the LDC, it's their goal to get business in here to help lower taxes. We lost \$4,000,000.00 in assessment this past year from GE coming down. Next year at this time there is going to be nothing sitting where GE is and that was assessed at \$7,000,000.00. The Board of Directors of the LPDC are getting absolutely no money from this as far as profit for themselves. There have been a lot of businesses that have been there, unfortunately what happens when a business comes in is their Attorney hands you a letter that you have to sign saying you will not discuss with anyone that we were here or we have no type of deal.

**Katie DeGroot:** I don't have any doubt that it will be successful I feel the problem for a lot of people is with the way that its set up I think people are concerned that the success of it will be a personal success where it could have been a Town and personal success.

**Supervisor Middleton:** The original way that it was set up by the Town and the Attorney was a person from the school, a person from the Village, a person from the County but nobody wanted it. There are looking for people Katie, do you want to get on the Board?

**Katie DeGroot:** I will think about that.

Theresa Rose: I just want to say thank you, 1180 Burgoyne looks great.

#### **CORRESPONDENCE:**

Letter from The NYS Society Daughters of the American Colonists requesting attendance at the dedication of The Great Carrying Place Historical Marker Saturday, October 26, 2019 at 3:00p.m. at Rogers Island with a reception at the Old Fort House Museum.

at

ADJOURNMENT:	
<b>MOTION</b> by Councilman Orsini, Seconded by 7:41pm <b>ALL AYES</b>	Councilman Fisher to adjourn the meeting
Dated: October 17, 2019	Aimee Mahoney, Town Clerk