

**MINUTES OF THE TOWN BOARD OF THE TOWN OF FORT EDWARD BUDGET WORKSHOP, PUBLIC HEARINGS & REGULAR MEETING HELD ON TUESDAY, OCTOBER 9, 2018 HELD AT TOWN HALL COMMENCING AT 6:00 P.M.**

The Budget Workshop was called to order at 6:10pm

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

**ABSENT:** Councilman Mercier

**OTHERS PRESENT:** Ed Carpenter, George Conley, Jim Maskell, Todd Humiston, Jan Peterson, Gwendolyn Craig, Brian Brockway, Katie DeGroot, Elizabeth O'Leary and Town Counsel Donald Boyajian

**Supervisor Middleton:** We have made some changes since the first budget workshop on October 4<sup>th</sup>. The Highway Superintendent found some more places that could be cut in his budget to keep us under the tax cap. We did cut a lifeguard at the pool but the pool was packed all summer long and we need to keep that open for a recreational option in the summer.

**Councilman Orsini:** I have heard concerns at other meetings I have attended regarding the pool. The fear is if we close the pool the kids will swim in the river and we could have more drownings.

**George Conley:** The Visitor's Center is not self-sustainable, we are going to try and get State and Federal Grant money, it is the birthplace of the United States Army and the only thing that Fort Edward has to get people here. It is a hidden gem and they are on a bare bones budget as it is. I feel it would be a huge mistake to give up on it and I would be willing to pay a few extra dollars in taxes for the Visitor's Center.

**Councilman Orsini:** NYS Parks and Recreation have control over everything that happens at the Visitor's Center. We just had to spend \$15,000.00 on a management plan that they required. We were halfway into it when we found out about the budget cut and I feel that Parks & Rec. should replace the money.

**Ed Carpenter:** I understand what the Board is going through but we are being hit with a 75% decrease at the Visitor's Center when all of the other departments that you have are not. I feel when you are dealing with a significant financial deficit that you cut everyone the same across the board. I cannot function over there on \$10,800.00; I won't be able to pay the bills or Ruth. When I first heard about it I took it very personal, if we stay at the number we will be out by July 1<sup>st</sup>.

**Councilman Orsini:** We do have a couple of contingency plans we are working on but need to check the legality of. I am the only remaining Board Member of the Chamber of Commerce. The Chamber currently has a large membership; the question is can the Visitor's Center (RIHDA) merge with the Chamber of Commerce and dissolve the Chamber.

**Donald Boyajian:** I would have to look at the by-laws and the fiduciary aspects; I will review and get back to you.

**Supervisor Middleton:** Rogers Island is getting \$2,500.00 more than any other organization in the Town (Library & Old Fort House Museum)

**Ed Carpenter:** That is the way it was set up years ago when Merrillyn was here. When the Center first opened the budget was \$90,000.00. Last year it was down to \$38,500.00 which is already bare bones. I cannot pay my staff member; pay the bills and the insurance on a \$10,800.00 budget. I would have to go down to 1 day a week and that benefits no one.

**Supervisor Middleton:** The goal of the Visitor's Center was to eventually become self-sufficient.

**Ed Carpenter:** Yes and that is still the intent. I plan to charge admission as well as raise money but you can't just say that this is on us now and cut so drastically that we can't stay open. All I am asking is that we work together on this.

**George Conley:** We have always been able to raise money when it has been needed in the past but we can't raise \$28,000.00, it's just not possible.

**Ed Carpenter:** The current Chamber of Commerce is the most inactive Chamber around. I am protesting the cut and I will have to close the doors by July 1<sup>st</sup>. If the merge happens with the Chamber of Commerce I will still only be open 1 day a week. The Chamber could however, be helpful with fund raising.

**Supervisor Middleton:** Have you considered merging with the Old Fort House museum?

**Ed Carpenter:** No, the Visitor's Center is based on the French & Indian War which is Roger's Islands History. The Island has been for centuries in private hands and could never be public. It is now and while we chew about Parks & Rec. we still have a possibility. It is the last undeveloped French & Indian War site in North America and the kicker is that was involved in a World War. France and England were battling over control of North America right out of Fort Edward. It is the largest Fort in the British military; all of those famous battles that you read about were staged and came out of Fort Edward. This has never been pushed through, followed through or promoted and I am trying to do that. It is time, we don't have much to offer and this is a shot for us. Out of every 10 visitors we have, 9 are from out of town so it is bringing in historical tourism. I would like to have a Fort Edward day next year just to get residents down to the Center.

**Neal Orsini:** I have a customer that is an ex-marine who sits at my bar twice a week and he asked me how come I never knew that the Visitor's Center was over there. He's been several times since he found out and he brings all of his friends over. Elise Stefanik was here during the re-enactment and she asked me why she never knew that it existed.

**Supervisor Middleton:** Did you ask her for funding?

**Councilman Orsini:** Yes I did

**Ed Carpenter:** I told her there was a World War here in this region so that qualifies for Federal, it's the birth place of the United States Army Rangers and she is trying to get me a grant.

**Councilman Orsini:** That is what we need to do, years ago Ken Talkington, Army Ranger told me that Army Rangers have a ton of money. The only problem is that once they sense any kind of politics they run.

**Ed Carpenter:** 10 years ago I met with a retired Army Col.; he came up from Washington for the purpose to check this out. He was thrown off because at the time Mr. Nastasse still owned it, they had no access to it and they backed away. Now we do have access and I have reached out to the Armed Forces Committee and I went them to bring some of the high ranking military officials up here so we can show them what we want. If we all got on a plane now and went to Fort Benning, Georgia, they have Fort Rogers, because of Robert Rogers and they have a small museum there and in that museum it talks about the birth place of little Fort Edward, NY. I am pushing this and trying to get it to be taken advantage of.

**Supervisor Middleton:** We will look but what you are asking for and what we cut was almost 2% of our total budget. When we had our last workshop we were talking how not to lay people off here.

**Ed Carpenter:** I fully know what you are going through, I am going through it on the Village side and the school is also going through it.

**Supervisor Middleton:** The Village won't give you anything?

**Ed Carpenter:** It's never been ear-marked so you are asking to create a new part of the budget. When it was set up originally, the group that got the HUD Grant never paid off all the construction and still owed \$18,000.00. What happened when I became a new Board member and Merrilyn became a new Supervisor was we had to close that out. That is why we are dealing with this today. It was HUD back then, not Parks & Rec. like it is now.

**Councilman Orsini:** The Village gave us \$500.00 once and back when HUD had control and was supposed to create 15 jobs and only created 1 is when this all began.

**Ed Carpenter:** As Treasurer of the Visitor's Center I am going to need some help. I am going to fund raise and I am going to fight tooth and nail. If you can find some more funding I would appreciate it because that \$10,800.00 isn't going to cut it.

**Councilman Orsini:** Can we transfer any savings I get on the Unallocated Insurance to the Visitor's Center?

**Supervisor Middleton:** Yes

**George Conley:** I want to bring this up because he would never say anything but you can't imagine the amount of money that he spends out of his pocket to buy all the diesel and gasoline down there as well as the flat tires. He takes care of a lot and he does a lot and he needs help.

**Katie DeGroot:** Does Fort Edward have a volunteer committee besides the Chamber of Commerce?

**Ed Carpenter:** There are a few; I am trying to build a large one called the Friends of Rogers Island.

**Katie DeGroot:** I was thinking more like a Friends of Fort Edward. I would be happy doing something like that.

**Neal Orsini:** Ok, Katie I will create a meeting and we can get something started.

**Supervisor Middleton:** We will look into it but no promises.

**Councilman Orsini:** The Locktoberfest event being held this weekend gets it's Beer and Wine License through the Visitor's Center, we are allowed 4 per year.

**Supervisor Middleton:** Brian made \$40,000.00 in cuts which allowed us to stay under the tax cap.

**Brian Brockway:** To get the \$40,000.00 back next year is that going to put us over the cap or will we be able to get that back?

**Supervisor Middleton:** No it won't.

**Councilman Fisher:** One thing we can do for the Visitor's Center is join, they have simple memberships for around \$25.00.

**Supervisor Middleton:** Did you ever ask the schools that come down for a donation?

**Councilman Orsini:** We don't even get the schools anymore because they can't afford the busses to get them there; we have all we can do to get the Fort Edward kids to walk down the hill.

**Katie DeGroot:** I have a few questions.

- Landfill Tickets, is that garbage and is it going down because less people use tickets?  
**Yes, and it has been the trend for years, we did a rough count and only 250 out of 2,500 households are using the service.**
- Is there any reason not to raise the price? **We lost most of our customers with the last price increase.**
- Town Board Personnel Services is what the Board members get paid and what is the breakdown? **Divide it by 4; it has been the same for 12 or 13 years with no benefits.**

- I noticed we have a new Lawyer and the budget increased quite a bit, why is that? **Because of the ongoing lawsuit and we feel the new Lawyer is a better fit.**
- What is unallocated Insurance? **Everything that isn't health insurance, liability, truck, building, etc. That is being looked into by Councilman Orsini because it hasn't been checked out in years.**
- Beach and pool, how many people actually use it? **A lot of people use the pool, especially this year when it was so hot. If we close the pool people will swim in the river and we will have a lot more drowning accidents.**
- Does the Village help with the pool? **No they do not, they have the Little League and we have the Pool. We did cut a lifeguard at the pool though.**
- Does contractual mean somebody takes care of something? **Chlorine, taking care of the filters, pumps and maintenance.**
- Under refuse & garbage, personnel services are the people that work taking care of refuse & garbage is that line just for garbage pickup? What do those 3 people do besides garbage pickup? **Brush and leaves, mowing**
- What would be contractual about refuse & garbage? **Diesel Fuel, tires, wear and tear on the vehicles, maintenance.**
- Blue Cross Insurance, is that just benefits for full time employees? **Yes and retirees**
- Are you planning to get rid of garbage? **There is discussion, we are not only discussing getting rid of garbage, we are also talking about trying to compete with the haulers.**

I have some ideas and I would love to help figure out ways to bring in money.

**Supervisor Middleton:** I see so many different carriers around here I think there is quite a bit of competition among themselves now. It is a hard decision due to the elderly on fixed incomes that may only have 1 bag a week and pay about \$8.00/month and the private haulers are around \$26.00/month.

**Katie DeGroot:** We need new businesses, for example there are a ton of animals that are produced in Washington County and there is no USDA Slaughterhouse facility that can handle chickens, pigs, beef, etc. Then there is SUNY Adirondack with their culinary program, why not have a slaughtering and butchering program as well?

#### **PUBLIC HEARINGS:**

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

**ABSENT:** Councilman Mercier

**OTHERS PRESENT:** Ed Carpenter, George Conley, Jim Maskell, Todd Humiston, Jan Peterson, Gwendolyn Craig, Brian Brockway, Katie DeGroot, Elizabeth O'Leary and Town Counsel Donald Boyajian

**Public Hearing  
Local Law #2 of 2018  
Gold Star Parent Exemption  
6:50pm**

Supervisor Middleton opened the public hearing at 7:06pm

The following notice was published in the Post Star on October 2, 2018:

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Fort Edward on October 9, 2018 at 6:50 p.m. at Town Hall, 118 Broadway, Fort Edward, NY regarding the consideration of a proposed amendment to local laws under the Alternative Veterans Exemption for Gold Star Parents pursuant to NYS Real Property Tax Law. The purpose of said proposed law is provide that certain tax exemption to Gold Star Parents pursuant to the NYS Real Property Tax Law to further amend Chapter 92, Article IV of the Town Code.

Any resident of the Town of Fort Edward is entitled to be heard upon said proposed Local Law at such public hearing. Copies of said proposed Local Law are available for review at the Town of Fort Edward Clerk's office.

By order of the Town Board of the Town of Fort Edward, dated September 10, 2018.

**PUBLIC COMMENT:** None

**MOTION** by Councilman Orsini, Seconded by Councilman Fisher to close the public hearing at 7:08pm **ALL AYES**

**Public Hearing  
Preliminary Budget  
6:55pm**

Supervisor Middleton opened the public hearing at 7:09pm

The following notice was published in the Post Star on October 2, 2018:

**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, 2019, 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 9, 2018 at 6:55 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	- \$ 42,817
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 2, 2018

**PUBLIC COMMENT:** None

**REGULAR MEETING:**

Supervisor Middleton called the regular meeting to order at 7:11pm

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

**ABSENT:** Councilman Mercier

**OTHERS PRESENT:** Ed Carpenter, George Conley, Jim Maskell, Todd Humiston, Jan Peterson, Gwendolyn Craig, Brian Brockway, Katie DeGroot, Elizabeth O'Leary and Town Counsel Donald Boyajian

**APPROVAL OF MINUTES: MOTION** by Councilman Orsini, Seconded by Councilwoman Mullen to approve the minutes of the regular meeting of September 10, 2018 and Budget Workshop of October 4, 2018 **ALL AYES**

**APPROVAL OF THE REPORTS: MOTION** by Councilwoman Mullen, Seconded by Councilman Fisher to approve the reports of Town Clerk Monthly, Town Justice, Building Inspector, Highway, Assessor, Supervisor & Code Enforcement/Zoning Officer **ALL AYES**

**APPROVAL OF BILLS: MOTION** by Councilman Orsini, Seconded by Councilwoman Mullen to approve Abstract #10 in the amount of \$26,015.71 **ALL AYES**

**ABSTRACT #10**

<b>GENERAL A: 7729-7731,7734,7737-7758</b>	<b>\$11,602.82</b>
<b>GENERAL B: 7759</b>	<b>\$ 83.00</b>
<b>HIGHWAY: 7760-7771</b>	<b>\$ 6,930.49</b>
<b>MUNICIPAL: 7772-7781</b>	<b>\$ 4,479.28</b>
<b>SPECIAL LIGHTING: 7732,7735,7782</b>	<b>\$ 2,665.13</b>
<b>SPECIAL WATER: 7733,7736,7783</b>	<b>\$ 219.99</b>
<b>SPECIAL WATER 2: 7784</b>	<b>\$ 35.00</b>

**TOTAL: 26,015.71**

**RESOLUTIONS:**

**RESOLUTION NO. 25 OF THE TOWN BOARD  
OF THE TOWN OF FORT EDWARD FOR THE YEAR 2018  
ENACTING AMENDMENT TO CHAPTER 92, ARTICLE IV OF TOWN CODE  
AUTHORIZING GOLD STAR PARENT TAX EXEMPTION PURSUANT TO NYS  
REAL PROPERTY TAX LAW**

**Introduced by Councilman Orsini  
Who moved its adoption**

**Seconded by Councilman Fisher**

**WHEREAS**, the Town Board has conducted a public hearing on a proposed amendment to Chapter 92, Article IV of the Town Code which seeks provide certain tax exemptions for Gold Star Parents in the Town of Fort Edward pursuant to NYS Real Property Tax Law;

**WHEREAS**, the Town Board desires to amend said law to create said exemption for Gold Star Parents;

**NOW THEREFORE, BE IT RESOLVED** that the Town Board hereby adopts said local law.

**LOCAL LAW NO. 2 OF THE YEAR 2018**

A local law authorizing Gold Star Parents Tax Exemption pursuant to NYS Real Property Tax Law

Be it enacted by the Town Board of the Town of Fort Edward the following be adopted



and amended into the Town Code:

**Section 1. Legislative intent.**

The New York State Legislature enacted amendments to § 458-a of the Real Property Tax Law, authorizing local legislation to make Gold Star Parents eligible for the veterans' alternative exemption. The purpose of this legislation is to provide a tax exemption to the parent of a child who died in the line of duty while serving in the United States Armed Forces during a period of war.

**Section 2. Definitions.** Chapter 92 of the Town Code shall be amended to adopt a new subsection 92-9 to Article IV of the Town Code titled “Definitions” to state as follows:

“Capitalized terms herein shall have such meanings as set forth below, or otherwise as defined in NYS Real Property Tax Law”

“GOLD STAR PARENT” shall mean “a parent of a child who died in the line of duty while serving in the United States Armed Forces during a period of war.”

“QUALIFIED OWNER” shall have such meaning as set forth in Real Property Tax Law § 458-a(1)(c).

“QUALIFYING RESIDENTIAL REAL PROPERTY” shall have such meaning as set forth in Real Property Tax Law § 458-a(1)(d).”

**Section 3. Gold Star Parent Exemption.** A new subparagraph D to subsection 92-8 of Article IV of the Town Code shall be amended to state:

“A Gold Star Parent shall be a Qualified Owner of Qualifying Residential Real Property, provided that such property shall be the primary residence of the Gold Star Parent.”

**Section 4. Effective Date.** This article shall take effect immediately and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after the first day of January next succeeding the date on which this article shall have become a law.

**For Posting Immediately After the October 9, 2018 Town Board Meeting**

Dated: October 9, 2018

Roll Call Vote: Supervisor Middleton – AYE  
Councilman Orsini – AYE  
Councilman Fisher – AYE  
Councilwoman Mullen – AYE

Councilman Mercier - ABSENT

**RESOLUTION NO. 26  
OF THE TOWN BOARD  
OF THE TOWN OF FORT EDWARD FOR THE YEAR 2018**

**Introduced by Councilman Orsini  
Who moved its adoption**

**Seconded by Councilman Fisher**

**WHEREAS**, the Fort Edward Town Board does hereby authorize the Town Justice Joseph Malvuccio to submit an application for a grant up to \$30,000.00 from the Justice Court Assistance Program (JCAP) for supplies and equipment.

Dated: October 9, 2018

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

*I, Aimee Mahoney, Clerk of the Town of Fort Edward do hereby certify that the above resolution was adopted by the Fort Edward Town Board at the regular meeting held on October 9, 2018.*

*Dated: October 9, 2018*

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*Aimee Mahoney, Town Clerk*

**RESOLUTION NO. 27  
OF THE TOWN BOARD  
OF THE TOWN OF FORT EDWARD FOR THE YEAR 2018**

**Introduced by Councilman Fisher  
Who moved its adoption**

**Seconded by Councilwoman Mullen**

**TITLE: SEXUAL HARASSMENT POLICY**

**WHEREAS**, the Town of Fort Edward is committed to maintaining a workplace free of sexual harassment, and

**WHEREAS**, sexual harassment is a form of workplace discrimination and this policy is one component of the Town’s commitment to a discrimination-free work environment.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Fort Edward does hereby adopt a sexual harassment policy and such policy shall apply to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with the Town, and

**BE IT FURTHER RESOLVED**, that this policy shall take effect immediately.

Dated: October 9, 2018

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

**RESOLUTION NO. 28 OF THE TOWN BOARD  
OF THE TOWN OF FORT EDWARD FOR THE YEAR 2018  
AUTHORIZING TRANSFER OF REAL PROPERTY AT 46-48 EAST STREET, FORT  
EDWARD TO HUDSON HEADWATERS HEALTH NETWORK**

**Introduced by Councilman Orsini  
Who moved its adoption**

**Seconded by Councilwoman Mullen**

**WHEREAS**, the Town currently owns certain real property situated at 46-48 East Street, Fort Edward (“Real Property”); and

**WHEREAS**, the Town and Hudson Headwaters Health Network, a non-profit corporation (“HHHN”) facility constructed a facility upon said Real Property, with said building and related fixtures, structures, and equipment owned by HHHN and real property owned and maintained by the Town pursuant to an agreement by and between the Town and HHHN dated November 30, 2010 (the “Agreement”); and

**WHEREAS**, the Town desires to modify said Agreement and transfer said Real Property to HHHN.

**NOW THEREFORE, BE IT RESOLVED** that the Town Board authorizes the transfer of real property situated at 46-48 East Street, Fort Edward from the Town to Hudson Headwaters Health Network.

**AND FURTHER, BE IT RESOLVED** that the Town Board authorizes any required

modifications to the Agreement by and between the Town and Hudson Headwaters Health Network, to reflect such transfer and previous obligations related thereto.

Dated: October 9, 2018

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

**Supervisor Middleton:** We can get out of the plowing at Hudson Headwaters if we give them the building and real property which would save us about \$5-6,000.00/year. The Mayor is on board, we just need to look at the legality of it due to the grant.

**PUBLIC COMMENT:**

**Jan Peterson:** I was speaking with my neighbor Adam Daley about the Park in Fort Miller and he said he came to a meeting and was told it wasn't a park and could be used for storage for the Town. I worked very closely with Merrillyn Pulver to create that park with a ballfield, playground, etc. and it is a park.

**Supervisor Middleton:** The one side where the ball field is was without question a park. We questioned the other side of the road with the barn but have since found out that it is a park.

**Katie DeGroot:** Does that change the gravel pile? Can we say that it won't happen again?

**Supervisor Middleton:** The gravel pile is staying there for now until it's gone. This is a single use but if we were given something else we may have to store it there. It is over 300 feet from the ball field to the pile. We are using that product in the Fort Miller area.

**Katie DeGroot:** I am not saying that it was the wrong decision it is the transparency of the decision that is my issue. We were never notified.

**OTHER BUSINESS:**

- The November meeting date will be Tuesday, November 13<sup>th</sup> due to Veterans Day
- The next Budget Workshop will be Friday, October 26<sup>th</sup> at 10:00am

**MOTION** by Councilman Orsini, Seconded by Councilman Fisher to enter into executive session at 7:40pm to discuss pending litigation **ALL AYES**

**MOTION** by Councilman Fisher, Seconded by Councilman Orsini to come out of executive session at 8:25pm **ALL AYES**

**ADJOURNMENT:**

**MOTION** by Councilman Orsini, Seconded by Councilman Fisher to adjourn the meeting at 8:26pm **ALL AYES**

DATED: October 12, 2018

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Aimee Mahoney, Town Clerk