

MINUTES OF THE TOWN OF FORT EDWARD TOWN BOARD REGULAR MEETING HELD ON TUESDAY, NOVEMBER 12, 2019 AT TOWN HALL COMMENCING AT 7:00P.M.

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

Pledge of Allegiance

PRESENT: Supervisor Middleton
Councilman Orsini
Councilwoman Mullen
Councilman Mercier

ABSENT: Councilman Fisher

OTHERS PRESENT: Brian Brockway, Donna Brockway, Peter Ives, Gwendolyn Craig, Katie DeGroot, Richard Belden, Lester Losaw, Elizabeth O’Leary and Town Attorney Donald Boyajian, Jr.

APPROVAL OF MINUTES: MOTION by Councilman Orsini, Seconded by Councilman Mercier to approve the minutes of the regular meeting of October 15, 2019 and the special meeting of November 1, 2019 **ALL AYES**

APPROVAL OF REPORTS: MOTION by Councilman Mercier, Seconded by Councilwoman Mullen 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 Councilman Mercier to approve Abstract #11 in the amount of \$78,853.07 **ALL AYES**

ABSTRACT #11

GENERAL A: 8705-8706,8710-8738	\$22,130.00
GENERAL B: 8739	\$ 71.50
HIGHWAY: 8740-8751	\$20,419.04
MUNICIPAL: 8704,8752-8761	\$31,169.00
SP. LIGHTING: 8707-8708,8762-8765	\$ 2,915.77
SP. WATER 1: 8709,8766-8774	\$ 1,965.29
SP. WATER 2: 8775-8777	\$ 160.41

TOTAL: \$78,853.07

RESOLUTIONS:

RESOLUTION NUMBER 35 OF 2019

MOTION BY COUNCILMAN ORSINI

SECONDED BY COUNCILMAN MERCIER

TITLE: RESOLUTION TO ADOPT THE 2020 TOWN BUDGET

WHEREAS, the Town Board of the Town of Fort Edward held its public hearing on the 2020 Preliminary Budget on October 15, 2019, and

WHEREAS, there was limited public comment on the town budget.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Fort Edward hereby adopts the 2020 Town Budget in the amount of \$1,582,964.66

Dated: November 12, 2019	Roll Call Vote: Councilwoman Mullen:	AYE
	Councilman Mercier:	AYE
	Councilman Orsini:	AYE
	Councilman Fisher:	ABSENT
	Supervisor Middleton:	AYE

AYES	4
NAYS	0
ABSENT	1

RESOLUTION NO. 36 OF 2019

MOTION BY COUNCILMAN ORSINI

SECONDED BY COUNCILWOMAN MULLEN

**TITLE: OPTING OUT OF TAX EXEMPTION PURSUANT TO REAL PROPERTY TAX
LAW SECTION 487**

WHEREAS, New York State Real Property Tax Law Section 487(8)(a) authorizes towns to opt out of a tax exemption for solar or wind energy systems, under Real Property Tax Law Section 487, pursuant to a duly enacted resolution of the Town Board to be filed with New York State Department of Tax and Finance and the New York State Energy Research & Development Authority;

WHEREAS, the Town Board desires opt out of said tax exemption for solar and wind energy systems, pursuant to Real Property Tax Law Section 487(8)(a).

THEREFORE, NOW BE IT RESOLVED, that pursuant to Real Property Tax Law Section 487(8)(a), the Town will not provide a tax exemption for solar or wind energy systems, as defined in Real Property Tax Law Section 487(1)(B), for any solar and wind energy systems that begin construction after the effective date of this resolution.

AND BE IT FURTHER RESOLVED, that the Town Clerk shall cause duly executed copies of this resolution to be filed with the New York State Department of Tax and Finance and the New York State Energy Research & Development Authority

Dated: November 12, 2019

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

Katie DeGroot: That is a Town law right; not State or Federal?

Supervisor Middleton: Yes that is correct.

CORRESPONDENCE:

- **Letter from Tim Clark, Pack 57 Cub Master with the following questions regarding the Patriot Garden and how they should care for it:**

1. Is there a set species list?

Councilman Orsini: I know that there was at one time but I am not sure about now after the last caretaker left.

2. Can we plant herbs (such as yarrow, mint, feverfew)?

Councilman Orsini: Yes

3. Are there any prohibited plants?

Councilman Orsini: Only if they are invasive.

4. Can we use non-organic chemical fertilizer?

Councilman Orsini: That is up to the Board I am not sure about that.

Katie DeGroot: I am sure there are many places to get organic fertilizer; I would be willing to give them some.

5. Is the evergreen bush near the road something important that needs to remain?

Councilman Orsini: I am not sure about that, I would think it could be replaced if needed.

6. Can the Town install a hydrant on the other side of the road at one end of the beds?

Councilman Orsini: There is already one there.

7. Could the Town purchase materials for a drip irrigation system (approx. \$200 for drip tubing, controller, fittings, and manifold tubing)? That would help get the plants through the summer if there is low rainfall.

Councilman Orsini: Maybe the Visitor's Center could make that purchase.

8. How are purchases handled – would the pack need to buy items and be reimbursed?

Councilman Orsini: That would have to be worked out with the Board on a case by case basis.

9. When would the donation to the pack come in? It doesn't matter we just need to know for budgeting.

Councilman Orsini: Any time after the 1st of the year a voucher can be filled out for payment.

- **Letter from the Canal Society of New York State requesting support of the "Reimagining New York's Canals" vision to guide the future operation, maintenance and marketing of New York's Canal System.**
- **Letter from Canal Corp. regarding the Earthen Embankment Integrity Program.**
- **Thank you card from Richard Belden thanking the Town for his beautification recognition for the flowers at his home on Burgoyne Ave.**

The following is a letter that Supervisor Middleton read to the public:

I would like to take this opportunity to explain how economic development works. It can't be done on the front page of the paper as some think, it can't be done at the town board meetings as some people want. It is a long process consisting of many meetings, confidentially agreements, and negotiations. With the dozens of inquiries, the first thing that was required was that everyone was required to sign a confidentially agreement. Therefor no one was allowed to discuss that they were interested in the site. In most cases they were also looking at multiple other sites- a competition regarding host benefits, workforce, transportation, quality of life and the cost of doing business in your area. W.L. first visited the site approximately a year ago. Once W.L. corporate approval was granted to build in the northeast they scheduled another onsite visit/ meeting for June 24th. For this meeting we brought in the key players in the area. The meeting consisted of:

Village Mayor

WW. IDA Chair

National Grid

Empire State Development

Representative from Carrie Warner's office

Representative from US Senate

BOCES

Hudson Headwaters

Washington County Economic Development

Saratoga Economic Development

Representatives from the owner of the property

Neighboring property owners

Along with three company Representatives

W.L. asked many pertinent questions of the group. Once again everyone was asked not to discuss the project. A few weeks after the meeting we were informed we were one of three finalists. After further negotiations we were in the final two. Approximately a month ago we were notified that we were there #1 choice as long as the discussed concessions could be obtained. If we could not deliver on these they were going with their 2nd choice which we found out was located in CT.

Because of the timing of the meetings to firm up the concessions the Project Announcement was not released until after the election. I felt bringing the project to the community was more important than leaking it for personal gain. No one was hoodwinked, everyone involved was as transparent as they legally could be and there was no financial gain for any of the parties so often written about in the Post Star. I would like to thank all involved especially Neil and his group for staying the course through all the negative press.

Katie DeGroot: I congratulate you on getting it done, it was a huge task and I commend you for it but I still have questions. I didn't understand that the people were purchasing it; I thought you were going to lease the property. Who gets the money from the sale?

Councilman Orsini: The County

Katie DeGroot: How does that happen?

Councilman Orsini: They write a check to the County to pay all of the back taxes. If there is anything left which I don't believe there will be, it will be distributed between the Property Development Corp. and the Property Management Corp. The Property Development Corp. is also on the hook for advances; they have paid the insurance on the site for 2 years.

Katie DeGroot: How many acres is the site?

Councilman Orsini: They bought approximately 26 acres out of the approximately 88.

Katie DeGroot: So there are 60 more acres that need to be sold.

Supervisor Middleton: Yes and all I am going to say is that there are interested parties.

Katie DeGroot: So who gets the money for the sale of the remaining 60 acres?

Councilman Orsini: There is a lot of it that can't be developed on the site because it is wetlands. There is a lot of it that is strictly rail that is already there so there isn't a whole lot of space left.

Katie DeGroot: I remember talking to you Terry in the beginning and I just feel like there should have been a way to handle it differently because it seems like a shell game and to me I still don't understand why the Town of Fort Edward couldn't have owned the property.

Supervisor Middleton: There is one reason that we chose not to do that. For all of the criticism that everyone got, yes they are late right now on taxes but taxes will get paid on the property. If the Town took it then it would be off the tax roll.

Katie DeGroot: The Town could have formed some kind of a system.

Supervisor Middleton: This is the system that was formed.

Katie DeGroot: I feel like it's a large piece of property that the Town of Fort Edward stood to perhaps make a better deal than what was made because it appears to me as if people made a deal not the Town. That is how I feel like it's perceived.

Supervisor Middleton: For example, the way normal economic development is done in this county and the surrounding counties is by the IDA which is not anyone from the Town.

Katie DeGroot: I know the IDA, that's the trash plant.

Supervisor Middleton: When this deal was done we brought in people from every aspect that I just read in my letter; they were all involved in this. It wasn't just the Town; it was the Town, the County, the Village, etc.

Katie DeGroot: I feel like it's the lack of information to the public.

Supervisor Middleton: You can't

Katie DeGroot: That seems wrong somehow to me that companies can hold a Town hostage.

Councilman Orsini: You have to understand business. They aren't trying to keep information from you; they are trying to keep information from their competitors. That is what it boils down to.

Supervisor Middleton: It's like buying a car, if you go to one place and you are going to get a car for \$20,000.00 and then you go to another dealer and tell them you know where to get it for that price then you play one against the other correct?

Katie DeGroot: Is that not what they were doing?

Councilman Orsini: they always had a number 2 site.

Supervisor Middleton: They still do.

Councilman Orsini: If we opened our mouth and went out there and this girl got it then boom it's dead.

Katie DeGroot: Right, I just feel like the opaqueness of these kinds of deals are problematic.

Councilman Orsini: We've got 50 jobs coming in and I don't know about you but that doesn't seem problematic to me. It might seem opaque to you but we got to the end of what we were trying to do.

Peter Ives: I think you should congratulate these guys instead of sitting here whining about it.

Katie DeGroot: I did say congratulations I don't like how it went.

Peter Ives: You felt like they were crooked.

Katie DeGroot: Excuse me?

Peter Ives: You felt like they were crooked.

Katie DeGroot: I did feel like they were crooked.

Peter Ives: And that is why she felt like they were crooked and that is why he lied about them being crooked.

Katie DeGroot: She is not basing her newspaper accounts on solely my opinions.

Councilman Orsini: Oh yes she is.

Katie DeGroot: She is not and I think you need to back off.

Peter Ives: No I think you need to.

Supervisor Middleton: Does anybody else have anything?

Katie DeGroot: Yes, I still want to know about solar.

Supervisor Middleton: What do you want to know about it?

Katie DeGroot: It was very odd what I heard from my neighbor so what's going on?

Donna Brockway: What did you hear from your neighbor? This is a Board Meeting so we should all know what you are talking about.

Katie DeGroot: My neighbor sent me a text saying that she heard from somebody at her gym that Terry Middleton had said that there are several huge solar developments going up one side of Carey Road and the field with the beef which would be my field and then on the other side which would be Keith Griffin's and neither of us had heard anything about this and it is either false information or I would like to know what the information is.

Supervisor Middleton: As I told you on the phone and nothing has changed.

Katie DeGroot: I don't know what there is about what's not changed.

Supervisor Middleton: There are 2 proposed projects that came in front of the Planning Board so everything was public.

Katie DeGroot: Right, are we talking hundreds of acres?

Supervisor Middleton: Yes

Katie DeGroot: Right, are we talking about lots of different farms having been approached singularly to amass several hundreds of acres?

Supervisor Middleton: Kate, exactly what I told you on the phone. Several hundred acres are being looked at, both sides of Carey Rd.

Katie DeGroot: So to find out the specifics, I could go to the Zoning Board?

Supervisor Middleton: You can but they haven't been to the Zoning Board I said they went in front of the Planning Board.

Katie DeGroot: So they have an idea or a map?

Supervisor Middleton: No they don't, they came and said they are looking at properties and once again, like I told you, this all depends on NYSERDA.

Katie DeGroot: I understand that.

Supervisor Middleton: Well if you understand it then what are you questioning?

Katie DeGroot: If 2 companies are looking at Carey Rd. for 2 large masses of solar then there is 3 phase involved right.

Supervisor Middleton: Yes

Katie DeGroot: Carey Rd. has 2 phase.

Supervisor Middleton: You are absolutely wrong you have the main power line to cut across that comes all the way from Patterson Rd.

Katie DeGroot: You mean going North to South so they would hook into that?

Supervisor Middleton: That is correct.

Katie DeGroot: Well that's the kind of information that I am looking for.

Supervisor Middleton: When and if they get everything they need from NYSERDA, they will be back.

Katie DeGroot: So there is no way for us to find out as a community what is going on? You said go talk to my neighbors which I understand but I would imagine that those 2 companies have a map of their plan of what they are proposing to do.

Supervisor Middleton: I am sure that the companies do.

Katie DeGroot: Do they not have to present that to you as a Town?

Supervisor Middleton: No because they have not officially come before the Town other than coming to the Planning Board for information.

Aimee Mahoney: They did not submit any application materials at that time and said they would be back in the spring.

Supervisor Middleton: They said they were looking at property North of Carey Rd.

Katie DeGroot: And you said also South of Carey Rd.

Supervisor Middleton: No, that developer that came in said North of Carey Rd.

Katie DeGroot: I just feel like I don't know what is going on in Town, I look at the website and yes there was a nice write up about the new company but I feel like I don't know what is going on. Am I wrong to ask questions?

Supervisor Middleton: No but you call me up and ask questions and I explain everything to you and then you come here and you ask them all again.

Katie DeGroot: You didn't explain everything to me or I didn't understand it as well as I should have and I shouldn't be put down for that either.

Councilman Orsini: He didn't put you down.

Donna Brockway: No one put you down.

Katie DeGroot: he just looked at me and said I gave you the answers on the phone and you ask them again.

Councilman Orsini: Katie would you just give it a break please.

Katie DeGroot: Yes I would, happy too.

**Bid Opening
Solar Project Proposal
45 Leavy Hollow Lane**

Town Attorney Donald Boyajian, Jr. opened the one and only bid that was received by AC Power. It is a tier proposal and needs to be reviewed by the Attorney prior to acceptance.

MOTION by Councilman Orsini, Seconded by Councilman Mercier to enter into executive session for contract negotiations at 7:30pm **ALL AYES**

MOTION by Councilwoman Mullen, Seconded by Councilman Orsini to come out of executive session at 7:56pm **ALL AYES**

ADJOURNMENT:

MOTION by Councilman Orsini, Seconded by Councilwoman Mullen to adjourn the meeting at 7:57pm **ALL AYES**

Dated: November 14, 2019

Aimee Mahoney, Town Clerk

