

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

Supervisor Fisher called the meeting to order at 7:00 P.M.

Pledge of Allegiance

PRESENT: Supervisor Fisher
Councilman Middleton
Councilman Suprenant
Councilwoman Collier
Councilwoman Mullen

OTHERS PRESENT: Rick Fisher, Kyle Cozzens, Ben Bramlage, David Earsing, Brian Brockway, James Wilson, Denise Mayer, Katie DeGroot, Therese Gillis, James Donohue, Melanie Dickinson, Mike Dickinson, Maria Rosenblum, Brian Katz, Megan Munoz, Town Attorney Bill Nikas and Town Clerk Aimee Ives

APPROVAL OF MINUTES: MOTION by Councilwoman Mullen, Seconded by Councilman Suprenant to approve the minutes of the meeting of November 12, 2024 **ALL AYES**

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

APPROVAL OF BILLS: MOTION by Councilman Middleton, Seconded by Councilman Suprenant to approve Abstract #12 in the amount of \$37,129.04 **ALL AYES**

ABSTRACT #12

GENERAL A: 12933-12935,12938-12969	\$16,532.62
GENERAL B: 12970	\$ 30.00
HIGHWAY: 12971-12976	\$ 5,177.56
MUNICIPAL: 12977-12984	\$ 9,990.02
SPECIAL LIGHTING: 12936	\$ 3,673.21
SPECIAL WATER: 12985-12991	\$ 1,685.63
SPECIAL WATER 2: 12937, 12992	\$ 40.00

TOTAL: \$37,129.04

BUSINESS:

Supervisor Fisher: Received a resignation letter from Sue Malvuccio for the Board of Assessment Review.

MOTION by Councilman Suprenant, Seconded by Councilwoman Mullen to accept the resignation of Sue Malvuccio from the Board of Assessment Review **ALL AYES**

End of Year Meeting

MOTION by Councilman Suprenant, Seconded by Councilwoman Mullen to set the end of year meeting date for Friday, December 27, 2024, at 10:00am **ALL AYES**

ESMI Discussion

Therese Gillis: The virtual meeting on December 4th was a failure and a hybrid meeting should be requested. It is necessary if you are not for this permit that you comment because no comment is considered a yes vote. We would like to encourage the Town Board to submit a resolution in the same fashion that the Village of Hudson Falls is passing tonight.

Supervisor Fisher: We can do it tonight; we are all in agreement that we oppose the permit.

Bill Nikas: It's a descent letter that they would like me to send on behalf of the Town Board.

MOTION by Councilman Middleton, Seconded by Councilwoman Collier to authorize the Town Attorney to send a descent letter on behalf of the Town Board of the Town of Fort Edward opposing the issuance of the proposed permit to ESMI **ALL AYES**

Therese Gillis: At first we thought this was a minor permit however DEC considered this a major permit process due to it's close proximity to the mapped DAC's and EJAC's. Also in the PPP on pg. 2 it demonstrates an air dispersion model and referenced on C.T. Male Assoc. report it only went out 1.3 miles but is capable of going out to 3.1 miles. They also gathered data every 250 meters but they did not share that with the public. When we addressed that the other night ESMI said that DEC did not require them to go out any further; there has got to be documentation somewhere but we are not able to get it. As a Town Board I am hopeful that you could question that.

Kyle Cozzens: On the map it looks like their yard for soil is in the Town.

Brian Brockway: Yes, their stockpiles are in the Town, the dirty stuff that comes in goes inside the building.

Councilman Suprenant: Their stockpiles are all burned and ready to be shipped.

Therese Gillis: Beth Magee suggested we contact Sean Mahar, Interim Commission, DEC and I have all of that contact information I can share to bring the concern to another level.

- The Fort Stops PFAS is holding a meeting at Town Hall on December 10th at 6pm

- Upcoming meeting with Carrie Woerner December 16th at the Fort Edward High School at 6pm (room TBA)

James Donohue: The Facebook page is there also for info. And comments.

Mike Dickinson: How do we safeguard Fort Edward from everyone wanting to bring their toxic stuff here? Seems like every time someone wants to get rid of something toxic, they think of Fort Edward.

Supervisor Fisher: We started by passing a ban on outside waste.

Katie DeGroot: The State can override that.

Attorney Nikas: No, they can't.

Katie DeGroot: Then how is this happening?

Attorney Nikas: Because the Village doesn't have a local law banning outside waste. This is a zoning issue though; this is in an Industrial Zone right now which is permitted to accept petroleum contaminated soil. DEC thinks that those are similar, but they are not, so the Village should be taking a position that they are violating their Code and must go through Site Plan Review because PFAS are not the same as petroleum. We know what happens when we remediate petroleum, we don't know what happens when we remediate PFAS. They should issue a cease & desist on the basis that they are violating the Village Zoning Code.

Katie DeGroot: Change the zoning and build housing there.

OTHER BUSINESS:

Rick Fisher: There is an abandoned trailer on Burgoyne Ave. next door to my house. National Grid came in last week and dug a hole in their front yard to shut the gas off. It has been over a year, and no one has been there. This has been going on for years, I have contacted the Building Inspector, and he has been at my house inspecting my leech field and seen this property I am referring to. I have called 2 or 3 times since and nothing has been done. There is a box truck, several 20gal. propane tanks, 15-20 tires, 30' box off a truck and it's a total mess. I have pictures on my phone. Is there something that I am missing or not doing right to get something done about this?

Supervisor Fisher: Can you send me the pictures and I will talk to the Code Enforcement Officer and set a time to go up and look at it.

Rick Fisher: You can barely see it from the road, it's all grown up, there are several foxes running around and possibly living under the trailer.

Councilman Suprenant: If it's all grown over in the front that is a direct violation of the NYS Property Maintenance Code.

Therese Gillis: There is a vacant house on East Rd. that has had a tree down on the house all summer. Can a letter be sent to the owner that they must maintain that property?

Councilman Suprenant: There is also an issue at 915 County Rte. 46 that needs to be addressed.

Katie DeGroot: There are 4 ash trees on my road that are dying. The school bus comes down DeGroot Rd. and turns around 2 or 3 times/day as well as the postal lady and I am really concerned about those trees. I have brought it up before and I know you have a limited tree budget but if someone could cut them down, we would take care of them. Drive by and check them out because to me they are problematic.

Supervisor Suprenant: I will take a ride down tomorrow and look at them.

PUBLIC COMMENT:

Megan Munoz: What exactly does the resolution mean? Is it just that we do not want this here?

Supervisor Fisher: It means that the Town Board is opposed to DEC issuing the permit to ESMI.

Megan Munoz: There are other options with this thermal desorption; they go set themselves up on a site where the sand and the land is and work the dirty dirt there vs. bringing it into a community that doesn't have it. There are options for this multi-million-dollar company to take other than bringing it here. I want to stress the point that they aren't going to destroy it, it's going to come out into our land and our water. They are not heating it enough to destroy it; they are lying. What they are doing is bad all around and it will spread to our water and air and the DEC should be defending us not them.

Councilman Suprenant: I don't think DEC is defending anyone, they were looking out for us in Moreau so I am sure they will do it here as well. If this is going to be harmful, I feel they will deny it.

Megan Munoz: I know that DEC should be doing what is in the best interest for the people of the community, but they are not getting information to review that is honest. ESMI is not providing honest information. I'm a Scientist but I work with Agricultural chemicals, so I am researching PFAS and found what they did in Cohoes. It doesn't matter if you burn it or incinerate it or it comes out of this thermal desorption, you are still emitting fluoride into our air and its bonding and traveling into the water, the dirt, etc. I just bought a house on East St. in July, and I never would have had I known this was happening. They aren't even willing to put a sensor at the school for the children.

Kyle Cozzens: Parks and Trails NY that facilitates the Trail Towns Program wrote a letter of opposition to DEC. They are supportive of our community and interested in the success of the Trail Town. We will have our draft of the action agenda soon.

David Earsing: Parade and Founders Day Festival Update.

Ben Bramlage: I just want to introduce myself; my name is Ben Bramlage, my wife Sara and I purchased a house on County Rte. 42 in September. I was at the first PFAS meeting 2 weeks ago and full disclosure there, full disclosure here, I just recently retired after 27 years with DEC Law Enforcement. My wife worked with DEC for several years including the permitting unit in Warrensburg. We have an obvious vested interest about what is going on with ESMI right now, we also have a vested interest on a much wider scale. One thing I would ask anybody moving forward is to not refer to me as the “DEC guy”. I just happen to be somebody who lives here with a deep background in this. There is a group of us that have started digging into correspondence between ESMI and DEC regarding the most recent permit application as well as the previous permitting processes and applications for ESMI stretching back a decade or more. Some of the information is public and some had to be F.O.I.L. requested. Whatever comes back will have to be reviewed. There are a lot of environmental as well as human risks at stake.

Therese Gillis: Should we not depend on the DEC to make the right decision for our community?

Ben Bramlage: My experience with DEC is that they are very dedicated, typically knowledgeable, typically trying to do the right thing but like we saw with the PCB oils mistakes do happen.

Therese Gillis: We are a very small community and this PFAS problem is immense across the Country.

Councilwoman Collier: To echo your comment earlier, it's a problem in the State, research and development needs to be there but why here?

Recycling Discussion

Councilman Middleton: The Village has asked the Town to pay more for the use of the recycling bins. Brian reached out to 2 different carriers that are almost half the price of what the Village is paying now. Instead of charging us more they need to shop it.

Councilman Suprenant: For people that don't realize, behind this building there is a dumpster and Village and Town residents can put recyclable items in it. We have been paying a certain amount to the Village for that service. We have already adopted our budget, and the Village sent a letter asking for more money. The Village spends \$55,000.00/yr. on recycling. We have received quotes for half the price. We will get 3 quotes and the Village should also; something needs to be done. Right now, they use Waste Management.

James Donohue: Someone should call Waste Management and give them the facts.

Brian Brockway: The new garbage truck is here, we are waiting on the paperwork from Sourcewell to register and pay for it.

Councilman Suprenant: Who maintains the Patriot Garden at Rogers Island? They do a great job.

Supervisor Fisher: I will find out from Ed Carpenter.

Brian Brockway: Frank is retiring January 1st and we are going to talk to him about consulting for us for the electrical on the lights on Broadway.

Councilman Suprenant: There is a bucket truck on Beverly St.

Mike Dickinson: I can help you find one, I found a 57' for \$15,000.00.

Supervisor Fisher: Get us the information please.

ADJOURNMENT:

MOTION by Councilman Middleton, Seconded by Councilwoman Collier to adjourn the meeting at 8:01pm and wish everyone a Merry Christmas and Happy New Year **ALL AYES**

Dated: December 11, 2024

Aimee Ives, Town Clerk