

**MINUTES OF THE TOWN OF FORT EDWARD TOWN BOARD PUBLIC HEARINGS
& REGULAR MEETING HELD ON MONDAY, DECEMBER 10, 2018 AT TOWN
HALL COMMENCING AT 6:50 P.M.**

Supervisor Middleton opened the Public Hearing at 6:50pm

The following notice was published in the Post Star on December 3, 2018:

**TOWN OF FORT EDWARD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Fort Edward on December 10, 2018 at 6:50 p.m. at Town Hall, 118 Broadway, Fort Edward, NY regarding the consideration of amending Chapter 50-1 of the Town Code which authorizes the Town Board to establish a fee schedule.

Any resident of the Town of Fort Edward is entitled to be heard upon said proposed amendment of the Town fee schedule.

By order of the Town Board of the Town of Fort Edward, dated November 13, 2018.

PUBLIC COMMENT:

Todd Humiston: I feel we need to have a section in the Local Law for dogs pertaining specifically to animal abuse cases. We had a situation over the weekend and if we took the dogs we would have been stuck with the bill and the bill for 9 dogs would have been \$4,500.00/month without medical needs. The SPCA is not helping anymore because over \$20,000.00 restitution has been ordered and never paid.

BOARD COMMENTS: The Board agrees with all proposed changes to the fee schedule.

MOTION by Councilman Fisher, Seconded by Councilman Mercier to close the public hearing at 6:57pm **ALL AYES**

Supervisor Middleton opened the public hearing at 6:58pm

The following notice was published in the Post Star on December 3, 2018:

**TOWN OF FORT EDWARD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Fort Edward on December 10, 2018 at 6:55 p.m. at Town Hall, 118 Broadway, Fort Edward, NY regarding the consideration of a proposed amendment to Chapter 42 of the Town Code. The purpose of said proposed law is to increase penalties associated with dogs or impoundment.

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 November 13, 2018.

LOCAL LAW NO. 3 OF THE YEAR 2018

A local law authorizing amending Town Code Chapter 42 relating to penalties for dogs and dog impoundment.

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. Amend and Restate Chapter 42, Sections 13 and 19.

- (a) Section 42-13 of the Town Code shall be amended and restated to: "An offense against any of the provisions of this article shall be deemed a violation and shall be punishable by a fine of up to: \$75 for the first violation; \$150 for the second violation; and \$250 for each subsequent violation or imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. In no instance shall any offense against any of the provisions of this article will be punishable by amounts less than the amounts stated in § 118 of the Agriculture and Markets Law."
- (b) And further, Section 42-19 of the Town Code shall be amended and restated to "An offense against any provision of this article shall be deemed a violation and shall be punishable by a fine of: \$25 plus dog holding fee per day for board for the first violation; \$50 plus dog holding fee per day for board for the second violation; \$100 plus dog

holding fee per day for board for the third violation; and \$250 plus dog holding fee per day for board for the fourth offense.”

Section 4. Effective Date. This article shall take effect immediately upon enactment.

Dated: December 10, 2018

Todd Humiston: I do not believe that the penalties for a first offense should be more than \$25.00; I don't think that is fair for a mistake. I also do not agree with the \$35.00 weekend charge.

MOTION by Councilman Orsini, Seconded by Councilwoman Mullen to close the public hearing at 6:59pm **ALL AYES**

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

Pledge of Allegiance

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

OTHERS PRESENT: Todd Humiston, Brian Brockway, Richard Belden, Elizabeth O'Leary, Gwendolyn Craig (Post Star) and Town Counsel Donald Boyajian

APPROVAL OF MINUTES: MOTION by Councilman Fisher, Seconded by Councilman Mercier to approve the minutes of the Regular Meeting of November 13, 2018 **ALL AYES**

APPROVAL OF THE REPORTS: MOTION by Councilman Fisher, Seconded by Councilman Mercier 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 #12 in the amount of \$29,642.02 **ALL AYES**

ABSTRACT #12

GENERAL A: 7870-7872,7883-7909	\$12,572.88
GENERAL B: 7910-7911	\$ 129.80
HIGHWAY: 7881-7882,7912-7926	\$11,931.28
MUNICIPAL: 7873,7927-7930	\$ 1,552.41

SPECIAL LIGHTING: 7874-7875,7879-7880,7935	\$ 2,921.82
SPECIAL WATER: 7876-7877, 7931-7932	\$ 416.28
SPECIAL WATER 2: 7878,7933-7934	\$ 117.55

TOTAL: \$29,642.02

RESOLUTIONS:

RESOLUTION NO. 35

OF THE TOWN BOARD

OF THE TOWN OF FORT EDWARD FOR THE YEAR 2018

MOTION BY COUNCILMAN ORSINI

SECONDED BY COUNCILMAN MERCIER

TITLE: AMENDING CHAPTER 42 OF THE TOWN CODE WHICH AMEND CERTAIN PROVISIONS FOR PENALTIES FOR DOGS AND IMPOUNDING DOGS

WHEREAS, the Town Board has conducted a public hearing on a proposed amendment to Chapter 42 of the Town Code which amend certain provisions related to penalties for dogs and impounding dogs; and

WHEREAS, the Town Board desires to amend said law;

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

LOCAL LAW NO. 3 OF THE YEAR 2018

A local law authorizing amending Town Code Chapter 42 relating to penalties for dogs and dog impoundment.

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. Amend and Restate Chapter 42 Sections 13 and 19.

- (a) Section 42-13 of the Town Code shall be amended and restated to: “An offense against any of the provisions of this article shall be deemed a violation and shall be punishable by a fine of up to: \$75 for the first violation; \$150 for the second violation; and \$250 for each subsequent violation or imprisonment for a term not exceeding 15 days, or by both

such fine and imprisonment.”

- (b) And further, Section 42-19 of the Town Code shall be amended and restated to “An offense against any provision of this article shall be deemed a violation and shall be punishable by a fine of up to: \$25 plus dog holding fee per day for board for the first violation; \$50 plus dog holding fee per day for board for the second violation; \$100 plus dog holding fee per day for board for the third violation; and \$250 plus dog holding fee per day for board for the fourth offense. A fee of \$35 shall be charged for weekend pickups plus dog holding fee per day for board.”

Section 4. Effective Date. This article shall take effect immediately upon enactment.

Dated: December 10, 2018

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

CORRESPONDENCE:

- Letter from the Friends of the IBA requesting a letter of support from the Town Board for a NYSCPP Capacity Grant for the FIBA to hire a full time employee.

MOTION by Councilman Mercier, Seconded by Councilman Orsini to provide a letter of support to the Friends of the IBA for their \$45,000.00 Capacity & Excellence grant from the 2019 NYS Conservation Partnership **ALL AYES**

- Letter from the Fort Edward Fire Department asking Town Employees and Elected Officials not to park in designated Fire Department Parking spots.
- Letter from National Grid regarding replacement of National Grid owned roadway lights to efficient LED roadway lights at no cost to the Town as part of National Grid’s Outdoor Street Lighting Conversion Program.

BOARD COMMENTS:

Supervisor Middleton: We currently have 2 quotes for phone systems, 1 being significantly cheaper than what we are paying now for our current service; will we still need to obtain another quote? We would like to switch over in January if possible.

Donald Boyajian: Depending on the cost you may have to but I will review the quotes and see if it will be required. You will need a resolution for the meeting on the 28th to enter into a new contract for the phone system.

Brian Brockway: We were denied the grant for East Rd. I would like to request that Fitzpatrick Dr. and Lamos Ln. get re-done if we get any funds through Senator Little. Also, we had a water break on Sunday on Burgoyne at the intersection of Putnam Ave. It appeared to be a stress crack.

MOTION by Councilman Fisher, Seconded by Councilman Orsini to enter into Executive Session at 7:15pm to discuss pending litigation **ALL AYES**

MOTION by Councilman Orsini, Seconded by Councilman Fisher to come out of Executive Session at 7:35pm **ALL AYES**

ADJOURNMENT:

MOTION by Councilwoman Mullen, Seconded by Councilman Orsini to adjourn the meeting at 7:36pm **ALL AYES**

DATED: December 12, 2018

Aimee Mahoney, Town Clerk

