

MINUTES OF THE TOWN OF FORT EDWARD TOWN BOARD MEETING HELD ON MONDAY, MARCH 14, 2016 AT TOWN HALL COMMENCING AT 7:00PM

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

PRESENT: Supervisor Suprenant
Councilman Fisher
Councilman Middleton
Councilman Orsini
Councilman Mercier

OTHERS PRESENT: Town Attorney Mary-Ellen Stockwell, Brian Brockway, Darlene DeVoe, Matthew French, Caitlin Mahoney, Mike Suprenant, Richard Belden, Jeannie Mullen, Cindy Raggi, Joe Raggi, Ron Renowni, Ken Beckley, Laurie LaFond, Todd Humiston

APPROVAL OF MINUTES: MOTION by Councilman Orsini, Seconded by Councilman Mercier to approve the minutes of the meeting of February 8, 2016 **ALL AYES**

APPROVAL OF REPORTS:MOTION by Councilman Middleton, Seconded by Councilman Fisher to approve the reports of the Town Clerk, Town Justice, Building Inspector, Highway and Supervisor as submitted **ALL AYES**

The following grant report was submitted by grant coordinator Darlene DeVoe for March, 2016:

Grant Coordinator Report for March 2016

Submitted by Darlene DeVoe 3/14/2016

Former Grand Union Brownfield Redevelopment Project

I am thrilled to report that we received our EPA Grant Closeout letter for the Cleanup grant. This has opened the door for the Town to sell the property to 354 Broadway LLC. The purchasers are trying to coordinate their multiple closings with the sale of the property. Their aty is on Long Island, their lender is in CT, the Town and IDA are up here and unfortunately everyone seems to have a vacation this month but none of them coordinate with each other. Looks like we are shooting for the 24th at this point.

Construction continues and the SMP work will be complete in a couple of weeks. They are running the electrical conduit around the site now and working on final grading and compaction. There is soil that will have to come off site but due to strategic placement by DAC, the amount is significantly less than what it could have been.

The Price Chopper sprinkler company is requesting further water flow testing be done. We are coordinating with North East Fire Protection out of Ballston Spa to get the test scheduled- hopefully in the next 2 weeks. I will be sure to have them contact Brian directly.

I am working with DAC and CTM to get the final bills that will be going through the joint Town/354 account so that we can tell the developers the amount that must be deposited to cover everything. Several change orders increased the amount from the original deposit, as expected.

I am also very happy to report that the National Grid grant for \$300,000 was processed and a check was cut.... Unfortunately, they made it out to the Village. We have returned the check and are waiting for the new one to arrive. This will be deposited into the joint account to cover DAC Pay App #4.

EPA Petroleum Assessment Grant -

Beth is out on maternity leave so I have not moved on the RFP's yet.

HOME 2013 –

We are preparing the work scope on our first case! Several that we had been hoping would qualify are over the income limits. We are accepting applications and are going through them at a pace that is reasonable for Matt and I to handle. Each case has a tremendous amount of work that goes with it, even if they ultimately end up not qualified.

It is important for people to READ the information in the application packet BEFORE submitting it to us with incorrect or insufficient information. This does not expedite their application and instead is likely to cause the application to be dropped down on the list. Most importantly, we DO NOT want original documents. That includes taxes, deeds, pay stubs, insurance certificates, and bank statements.

Bradley Beach –

I am disappointed to report that this project has hit a major block. Sampling that was done on the little island off the north tip of Rogers Island came back positive for PCB's. This means that the scope of work we submitted to restore the beach will not be able to be performed by the Town and certainly not for the small grant award amount.

I have discussed potential reprogramming for the grant with DOS who is supportive of the Town and Village and is aware of the situation we face. We do not have a lot of time to prepare a revised scope of work, budget, and schedule but I think we can do it. The condition of the concession stand at the little league park, along with working on parking issues may be the best route to go to keep the project simple and clean.

If we do not want to try to get an amendment approved, we must return the award.
Thoughts?

Community Planning –

Master Plan meeting is scheduled for tmrw night at 6:30.

Champlain Canalway Trail –

This group is now reviewing the original plan with the intent to make revisions necessary to adhere to each communities planning for their trail systems. This is a tedious and interesting process. I will be reviewing the CCTWG recommendations at the upcoming Master Plan review meeting to determine if they jive with what our residents and business owners would like.

Association of Towns Conference

This year's conference was packed full of sessions since the location was moved to a larger venue. This actually was beneficial to have sessions that weren't all geared to newly elected officials.

APPROVAL OF BILLS: MOTION by Councilman Middleton, Seconded by Councilman Mercier to approve Abstract #3 **ALL AYES**

ABSTRACT #3

GENERAL A- 5460-5461, 5464-5465, 5469, 5470-5498	\$23,519.23
GENERAL B- 5499-5504	1,161.90
HIGHWAY- 5505-5510	5,072.92
MUNICIPAL- 5511-5515	1,407.44
SPECIAL LIGHTING- 5462, 5466-5467	3,001.46
SPECIAL WATER-5463, 5468, 5516-5518	492.39
SPECIAL WATER 2- 5519-5522	3,541.06
BOA 3- 14-16	8,025.00
2013 HOME- 3-4	1,305.00
354 BROADWAY- 16-18	266,488.74
EPA PET 2- 40-42	3,123.65

TOTAL: \$317,138.79

RESOLUTIONS:

RESOLUTION NUMBER 12 OF 2016

MOTION BY COUNCILMAN FISHER

SECONDED BY COUNCILMAN MIDDLETON

WHEREAS, the Town Board of the Town of Fort Edward does hereby approve the Town Clerk Aimee Mahoney to attend the 2016 New York State Town Clerk's Association Conference April 18th thru April 20th, 2016 in Saratoga, New York.

Dated: March 14, 2016

Councilman Fisher- AYE
Councilman Orsini- AYE
Councilman Mercier- AYE
Councilman Middleton- AYE
Supervisor Suprenant- AYE

RESOLUTION NUMBER 13 OF 2016

MOTION BY COUNCILMAN MIDDLETON

SECONDED BY COUNCILMAN MERCIER

WHEREAS, a reliable transportation infrastructure is vital for the safety of New York's traveling public and its economy; and

WHEREAS, 85 percent of New York's roads and bridges are maintained by local governments; and

WHEREAS, despite well-timed and targeted preventative maintenance treatments, the age and condition of many of our locally-owned transportation assets means that they are beyond preservation and in need of much more costly rehabilitation and reconstruction; and

WHEREAS, estimates by the State Comptroller, DOT and independent studies show a large portion of road mileage is deteriorating and many bridges in the state are rated structurally deficient and functionally obsolete; and

WHEREAS, the State Comptroller estimates that there will be \$89 billion in unmet local infrastructure needs over the next 20 years; and

WHEREAS, the New York State Association of Town Superintendents of Highways commissioned its own fifteen year analysis that indicates an annual funding gap of \$1.3 billion for the local system (excluding NYC) alone; and

WHEREAS, funding for our local system has been far short of what is needed and we've fallen further and further behind in maintaining the vast and aging transportation infrastructure over this long period with severe consequences for conditions ratings; and

WHEREAS, the New York State Consolidated Local Street and Highway Program (CHIPS) provides essential funding for every municipality in the state and is part of the New York State Department of Transportation (NYSDOT) capital program; and

WHEREAS, in the early 1990's the Governor and Legislature created the Dedicated Highway and Bridge Trust Fund (DHBTF) to pay for NYSDOT capital program and the Dedicated Mass Transit Trust Fund (DMTTF) to assist with the Metropolitan Transportation Authority (MTA) and other transit systems' capital program; and

WHEREAS, when the DHBTF was created, it was agreed that the NYSDOT and MTA five-year capital programs would be similar in size and would be negotiated concurrently; and

WHEREAS, through 2005-09, both five-year capital programs were similar in size and adopted within months of each other; and

WHEREAS, in 2010 the Executive and Legislature broke traditional parity and enacted a five-year capital program for the MTA but not the DOT;

NOW THEREFORE BE IT RESOLVED, that the Town of Fort Edward calls upon the Governor and the State Legislature to make additional state funding and resources available at levels that accurately reflect the critical needs of local roads and bridges; and increase CHIPS funding in the 2016-2017 state budget; and

BE IT FURTHER RESOLVED, that the Town of Fort Edward calls upon the Governor, and members of the state Legislature to fully fund and submit a new NYSDOT five-year transportation capital plan; and

BE IT FURTHER RESOLVED, that the Town of Fort Edward calls upon the Governor and members of the state legislature to recognize the equality of roads, bridges and transit by restoring funding equality between the MTA and NYSDOT five-year programs and by voting on the plans simultaneously.

Dated: March 14, 2016

Councilman Fisher- AYE
Councilman Orsini- AYE
Councilman Mercier- AYE
Councilman Middleton- AYE
Supervisor Suprenant- AYE

RESOLUTION NUMBER 14 OF 2016

MOTION BY COUNCILMAN MERCIER

SECONDED BY COUNCILMAN ORSINI

WHEREAS, town boards are required by Town Law to audit the financial records of the Town Clerk, Tax Collector, Town Justice and Supervisor.

NOW, THEREFORE BE IT RESOLVED, that the Fort Edward Town Board audited the financial records of the Town Justice, Town Clerk and Tax Collector & Supervisor for the fiscal year January 1, 2015 through December 31, 2015 at a special meeting held on February 18, 2016.

DATED: March 14, 2016

Councilman Fisher- AYE
Councilman Orsini- AYE
Councilman Mercier- AYE
Councilman Middleton- AYE
Supervisor Suprenant- AYE

{Seal}

Aimee Mahoney, Town Clerk
Town of Fort Edward

**TOWN BOARD OF THE TOWN OF FORT EDWARD
COUNTY OF WASHINGTON, STATE OF NEW YORK**

Resolution No. 15 of 2016
Adopted March 14, 2016

Introduced by Councilman Middleton
who moved its adoption

Seconded by Councilman Mercier

**RESOLUTION INTRODUCING PROPOSED LOCAL LAW
ADOPTING A MORATORIUM ON FREESTANDING AND/OR GROUND MOUNTED
SOLAR AND WIND ENERGY FACILITIES AND SYSTEMS IN**

THE TOWN OF FORT EDWARD

WHEREAS, pursuant to Section 10 of Municipal Home Rule Law, the Town Board (the “Town Board”) of the Town of Fort Edward has the authority to adopt local laws enacting moratoria; and

WHEREAS, the Town Board wishes to enact a temporary moratorium to cover certain uses of property located in Town including the construction, expansion, modification of or installation of Freestanding and/or Ground Mounted Solar and Wind Energy Facilities and Systems for the purpose of studying and adopting municipal and zoning regulations on solar in the Town; and

WHEREAS, a proposed Local Law enacting a moratorium on the construction, expansion, modification of or installation of Freestanding and/or Ground Mounted Solar and Wind Energy Facilities and Systems has been drafted and is attached hereto; and

WHEREAS, the Town Board desires to accept such Local Law for introduction and to proceed with the consideration of said Local Law.

NOW, THEREFORE BE IT:

RESOLVED, that the proposed Local Law is hereby accepted for introduction to the Town Board. A public hearing shall be scheduled for the consideration of the proposed Local Law to be held by the Town Board on March 29, 2016 at 4:00pm. Copies of the Local Law shall be available at the Town Clerk’s office for review; and be it further

RESOLVED, that the Town Clerk is directed to post and publish a notice of said public hearing in the official newspaper of the Town at least 10 days before the hearing, together with a brief summary of the proposed Local Law; and be it further

RESOLVED, that counsel to the Town is directed to forward this proposed Local Law to the Town of Fort Edward Planning Board for its comment at its March 23, 2016, meeting in accordance with the Town of Fort Edward Zoning Code; and be it further

RESOLVED, that the consideration and proposed adoption of this Local Law is a Type II action under the State Environmental Quality Review Act requiring no further environmental review; and be it further

RESOLVED, this resolution shall take effect immediately.

AYES:5

NAYES:0

ABSENT:0

{Seal}

Aimee Mahoney, Town Clerk
Town of Fort Edward

BUSINESS:

- **Todd Humiston:** Mailers went out Friday for the dog enumeration so the licenses should start coming in anytime now.
- **MOTION** by Councilman Mercier, Seconded by Councilman Fisher to donate \$25.00 to the Fort Edward School after prom party **ALL AYES**
- A resident wants the Town to consider sending a letter to NYSDOT to request a speed limit change on State Route 197. **MOTION** by Councilman Middleton, Seconded by Councilman Mercier to send a letter to NYSDOT to request a speed limit change from the Village Line to Swamp Rd from 55mph to 45 mph **ALL AYES**

Sickler & Murphy: Records Management Consultants: The Village Board wants to do option #3 of the proposal for \$11,250; also Town Historian Paul McCarty is trying to get the annex building for records storing purposes for the Museum as well as Town & Village. They are bringing it before the school board tonight and Dave Armando is going to check out the building as well.

MOTION by Councilman Orsini, Seconded by Councilman Middleton to amend the Town Board's prior motion of going with option #2 (\$9,000.00) and choose option #3 (\$11,250.00) and share the cost with the Village to identify and organize obsolete records of the Town & Village **ALL AYES**

- Oil by rail threat in the Lake Champlain Region **MOTION** by Councilman Orsini, Seconded by Councilman Mercier to authorize Supervisor Suprenant to sign documentation regarding legislation to impose a ban on the transport of oil along Lake Champlain if needed **ALL AYES**
- **Laurie LaFond:** Draft proposal Development Agreement: We want to move forward on the Pulver acquisition

Councilman Orsini: I would like to start by saying that I am a supporter of the IBA but I have a lot of questions regarding this proposal: Is it really critical grassland? We are talking about 200 acres of farmland in the middle of Washington County.

Laurie LaFond: Yes, per studies done for 8-10 years now it is determined that yes it is critical. Owls have nested here for thousands of years.

Councilman Orsini: I disagree that it's a critical grassland. The 92 acres in the easement; are taxes paid on the 94 acres?

Laurie LaFond: Yes, tax analysis was done by DEC.

Councilman Orsini: At \$10,000 an acre it's a 2 million dollar property and \$750 would mean we are taking a cut.

Until NY pays taxes or payment in lieu of taxes? NYS doesn't do that.

Laurie LaFond: Right now they are paying on the acquisition on Blackhouse Rd. There is legislation right now also that may go through saying that the State will have to pay taxes.

Councilman Orsini: #7 states that the covenants, terms and provisions of this Agreement shall be binding upon the parties' successors and assigns. That kills it for me.

Councilman Orsini: Are you a 501-C3?

Laurie LaFond: Yes and our books are publicly available. We would like to say we are bringing in 10's of thousands of dollars to the community.

Councilman Middleton: I don't agree

Laurie LaFond: It's bringing in a lot more money than you realize.

Councilman Orsini: It will still be a huge loss of tax revenue

Councilman Middleton: What did the school Board say?

Laurie LaFond: We haven't been before the School Board yet.

Supervisor Suprenant: We are losing GE and millions of dollars of revenue; we cannot give up any more tax base.

Councilman Fisher: I feel you should wait for the legislation and see if the State will pay the taxes.

Councilman Orsini: We have too many financial challenges coming before the Town to take taxes off the tax roll right now.

The Garden Barn

Cindy Raggi: I wrote a letter to the Board members, we are trying to do the right thing. Mr. French has been rude, mocking me, threatening with an attorney if we open our café in 2 weeks. We have been trying to do what we need to do. We sent an e-mail with an

exit light and no answer so we called a week later and he hung up on Joe saying that he cannot design the building; we just wanted to know if it was the correct light.

Matt French: I'm not going to dispute, I got back from vacation and a PB member said they were opening a café. I have a lot of respect for the Raggi's they are very hard workers however, New York State has guidelines to open a restaurant and the Town has regulations also for opening a commercial restaurant in an R-Ag zone.

Cindy Raggi: We have our NYS inspection from November, NYS board of health now has to be involved due to it changing to a café and we are working on that as well.

Councilman Middleton: You have a variance now but as soon as you change that from retail business to cafe you have to go back before the ZBA to amend your variance.

Matt French: They need a building permit with engineered drawings before they put an addition on, then the zoning officer looks at it and approves or denies, if denied it goes to the Zoning Board of Appeals and possibly the Planning Board for site plan. The building will need a Certificate of Compliance from me and I don't know how I will be able to issue one without being able to inspect the addition. They can open to sell plants in the greenhouse but no customers shall be allowed in the barn or other additions. If they do any more than that it's considered an illegal use.

Councilman Orsini: You will need a Food Service Permit to open and serve food.

Cindy Raggi: I can't open my garden barn?

Matt French: The entire building is illegal right now they put a 10 x 30 kitchen in without a permit. I never got a set of plans and I can't give a Certificate of Compliance for something I can't inspect.

Going Forward:

- Close and lock the illegal building and just sell plants from the greenhouse, no customers allowed inside
- Submit a completed building permit applications and plans from a design professional for commercial building as well as design of the septic system
- I don't know how they will get the existing building with changes designed and approved as it is already built
- Will there be a grease trap in the ground?
- If a design professional designs and inspects it and gives his signature on it I can accept it for review, I will also have to perform an inspection

Mary-Ellen Stockwell: The building permit is one piece and the second piece is the zoning, in my legal opinion it is a retail business and the special use permit needs to be amended and expanded. Need a denial from Zoning Officer; amendment needs to include an eating and

drinking establishment. Either an amendment or a completely new Variance application needs to be completed because the current variance does not include the eating and drinking it includes crafts and retail.

Councilman Orsini: I would suggest bringing the Health Dept. in as soon as possible

OTHER CODE ENFORCEMENT CONCERNS:

Brownell-East Rd: Illegally put a 2 bedroom apartment in and he went to the ZBA and got a variance with the condition that there be no further changes to the building and the building be inspected by the myself. I went and directed him on a several items and he never had me back in there to make sure it was done. Now it goes commercial office, goats and then his children's apartment. Now he has a 3 bay carport not an agricultural lean-to like he is saying. I believe he has to get his variance amended due to the carport which he never got a building permit for which he needs to obtain. Then he needs someone to sign off on his carport and I never saw any concrete poured or how it was built.

Trailer Park: Burgoyne Ave – This winter they skated by lucky, last year toilets couldn't be flushed for 26 days, 4inch pipe is freezing in the ground. I threatened to close trailers, they clobbered them to working order. The Dept. of Health got involved, the water shut off is in a private party house basement. This year they had lead cords running on the ground. When I start closing trailers is the Board going to back me?

Mary-Ellen Stockwell : They submitted a permit request with a design plan that has not been followed. I am looking at it as a Town process and a Dept. of Health process.

Supervisor Suprenant: If the pipes are not properly installed the Wash Co Sewer District can pull their permit; talk to Joe Brillling at the sewer agency. The residents of the park can go to social services and seek housing.

Councilman Middleton: What are we going to do about the residents of the park?

- Send a letter to the owners addressing the issues

OTHER BUSINESS:

Brian Brockway: John Deere loader is ordered, CAT came in at \$7,000 higher.

-I am down another employee: Gregg is out now with an illness

MOTION by Councilman Orsini, Seconded by Councilman Middleton to go into executive session at 8:45pm **ALL AYES**

MOTION by Councilman Fisher, Seconded by Councilman Middleton to come out of executive session at 9:30pm **ALL AYES**

ADJOURNMENT:

MOTION by Councilman Fisher, Seconded by Councilman Mercier to adjourn the meeting at 9:35pm **ALL AYES**

DATED: March 15, 2016

Aimee Mahoney, Town Clerk