

**MINUTES OF THE TOWN BOARD OF THE TOWN OF FORT EDWARD PUBLIC HEARING AND REGULAR MEETING HELD ON MONDAY, JUNE 12, 2017 AT TOWN HALL COMMENCING AT 6:55PM**

Supervisor Suprenant opened the public hearing at 6:55pm

**PRESENT:** Supervisor Mitchell Suprenant  
Councilman Neal Orsini  
Councilman Richard Mercier  
Councilman Timothy Fisher  
Councilman Terry Middleton

**OTHERS PRESENT:** Darlene DeVoe, Town Counsel Mary-Ellen Stockwell, Jeannie Mullen, Merrilyn Pulver-Moulthrop, Audina Papp, Matthew Hurlburt (Fire Chief), Sid Decell, Allen Stratton, Adam Lombtire

**Public Hearing  
6:55 P.M.**

**TOWN OF FORT EDWARD  
PUBLIC HEARING NOTICE**

**Notice is hereby given, that the Town Board of the Town of Fort Edward will hold a public hearing on Monday, June 12, 2017 at 6:55 P.M. at Town Hall, 118 Broadway, Fort Edward, New York for the purpose of hearing comments on the 2016 Town of Fort Edward MS4 Annual Report.**

**Interested persons may review the Annual Report at the Town Clerk's Office during regular business hours or on the Town website at: [www.fortedward.net](http://www.fortedward.net).**

**By Order of the Town Board**

**Dated: June 1, 2017**

**Publish: June 5, 2017**

**PUBLIC COMMENT: NONE**

Supervisor Suprenant closed the public hearing at 6:57pm **ALL AYES**

Called the regular meeting to order at 7:00pm

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

**OTHERS PRESENT:** Darlene DeVoe, Town Counsel Mary-Ellen Stockwell, Jeannie Mullen, Marilyn Pulver-Moulthrop, Audina Papp, Matthew Hurlburt (Fire Chief), Sid Decell, Allen Stratton, Adam Lombtire

**APPROVAL OF MINUTES: MOTION** by Councilman Fisher, Seconded Councilman Orsini by to approve the minutes of the meeting of May 8<sup>th</sup> and May 16<sup>th</sup> **ALL AYES**

**APPROVAL OF REPORTS: MOTION** by Councilman Mercier, Seconded by Councilman Middleton to approve the reports of the Town Clerk, Town Justice, Building Inspector, Highway, Code Enforcement Officer, Zoning Officer & Supervisor's Report **ALL AYES**

Grant Coordinator Darlene DeVoe submitted the following grant report for June 2017:

### **Grant Coordinator Report for June 2017**

Submitted by Darlene DeVoe 6/12/2017

#### **BOA Step 3 –**

The Preliminary Design Report (PDR) is complete and final maps are ready for submission to DOS.

The environmental engineers are working on the DEIS and SEQR components, most of which are in regard to build out of the industrial park.

Our team will be meeting with DOS next month.

#### **HOME 2013 –**

We need cases! Our fourth project went under contract today. One project is under construction and two have been completed.

Several other applications have unfortunately been deemed ineligible due to income limits and/or a lack of insurance coverage.

I encourage people to check out the program paperwork available in both municipal offices.

*Note: It is important for people to READ THE ENTIRE application packet and compile ALL of the required information 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.*

#### **EPA Petroleum Assessment Grant -**

CT Male got underway last week with their initial site visit of the Freight House and surrounding property. The interviews begin this week.

1099 Burgoyne Phase 2 ESA is in its last stages before it can be finalized.

Unfortunately, we received a double dose of bad news this month. Our Project Manager at BRS, Beth Lander Morris is leaving.

And, we were not awarded the Hazardous Substance Assessment grant. The entire state of NY received \$750,000. Pathetic.

### **Community Planning –**

The Town Master Plan is coming together much better as a new document and not an update. At this point 3 sections are complete: Demographics, Municipal and Inter-Municipal Resources, and Educational.

Town Historian Paul McCarty is drafting the Historical section. I am seeking assistance from the Friends of the IBA to contribute to the Scenic and Open Space section next.

In progress are Economic Development, Transportation, Land Use, Parks and Recreation, and Agriculture.

Anyone that would like to contribute thoughts or ideas that will positively impact the Town of Fort Edward are highly encouraged to do so this summer.

### **Champlain Canalway Trail –**

There is confusion going on with the new Empire Trail funding because applications that have been in for CCT communities were denied HRVG grants because they felt they were duplicating what the Empire funding could do. This is not an acceptable way to reward the years of hard work and collaboration that this group has invested. We are actually implementing our plan and continue to hone it as each community faces and conquers challenges.

### **Bradley Beach –**

Still nothing from DOS

### **CFA 2017 –**

A recap of ideas from the past couple of meetings:

A pump-out facility to service the Yacht Basin

Potential Canal Corp/Power Authority, DEC

Pool improvements

No programs offered

Water District 3 \*need district formation\*

Trail creation and improvement projects to support the Champlain Canalway Trail

Depending on location and connectivity, Canal Corp, DOS, Parks & Rec

Small amphitheater in Yacht Basin

Canal Corporation, DOS

**APPROVAL OF BILLS: MOTION** by Councilman Middleton, Seconded by Councilman Orsini to approve Abstract #6 in the amount of \$55,701.43 **ALL AYES**

**ABSTRACT #6**

<b>GENERAL A – 6583-6585,6593-6627</b>	<b>\$15,255.60</b>
<b>GENERAL B- 6628-6636</b>	<b>\$ 5,221.82</b>
<b>HIGHWAY- 6637-6653</b>	<b>\$ 7,168.81</b>
<b>MUNICIPAL- 6586,6654-6660</b>	<b>\$ 1,856.03</b>
<b>SPECIAL LIGHTING- 6587,6591-6592</b>	<b>\$ 2,601.02</b>
<b>SPECIAL WATER- 6588-6589,6661-6664</b>	<b>\$ 839.91</b>
<b>SPECIAL WATER 2- 6590</b>	<b>\$ 188.24</b>
<b>BOA 3 – 20-21</b>	<b>\$ 4,355.00</b>
<b>EPA PET. ASSES. 2- 46</b>	<b>\$ 350.00</b>
<b>HOME 2013 – 7-11</b>	<b>\$17,865.00</b>

**TOTAL: \$55,701.43**

**BUSINESS:**

- Discussion regarding a request from a resident for a speed limit reduction on County Rte. 46 between State Rte. 4 and the Drifting Ridge Development. We would need a resolution to send to Washington County DPW stating several children are in and out of the development. The request is to reduce the speed limit from 55mph - 30mph, the letter would be sent to Steve Haskins at the County due to it being a County Rd. and he will send a letter to the State.

**MOTION** by Councilman Orsini, Seconded Councilman Fisher to send a letter to Steve Haskins at the Washington County DPW in support of a speed limit reduction on County Rte. 46 from 55mph to 30 mph **ALL AYES**

**Merrilyn Pulver-Moulthrop:** I live on County Rte. 46 and I don't see a lot of kids out there. I would imagine they would need a traffic study.

**Audina Papp:** I second what Merrilyn said in that I travel that road frequently and there are not a lot of children in that area.

**RESOLUTIONS:**

**RESOLUTION NUMBER 20 OF 2017**

**MOTION BY COUNCILMAN MIDDLETON**

**SECONDED BY COUNCILMAN ORSINI**

**TITLE: WASHINGTON COUNTY PLAN FOR COUNSEL AT INITIAL APPEARANCE  
COVERAGE FOR ARRAIGNMENTS IN LOCAL COURTS**

**WHEREAS,** Washington County is submitting a plan for counsel at initial appearance coverage for arraignments in local courts; and

**WHEREAS,** the plan provides for a central arraignment part conducted twice a day at the Washington County jail rather than at the town and village location of the arrest; and

**WHEREAS,** this plan requires the cooperation of the various local town and village justices; and

**WHEREAS,** this plan should assure consistency in representation as well as in the after hours schedules of the various town and village justices; and

**WHEREAS,** state funding is available to provide for the expenses of the justices as they travel to Fort Edward; and

**WHEREAS,** this program will promote efficiencies among the town and village justices as well as county operations providing for mutual cooperation of the County's municipalities,

**NOW, THEREFORE BE IT RESOLVED,** that the Town of Fort Edward hereby indicates its support for the County's plan for counsel at initial appearance coverage for arraignments in local courts.

**DATED:** June 12, 2017

**VOTE:** Supervisor Suprenant – AYE  
Councilman Orsini – AYE  
Councilman Middleton – AYE

Councilman Fisher – AYE  
 Councilman Mercier – AYE

**RESOLUTION NUMBER 21 OF 2017**

**MOTION BY COUNCILMAN MIDDLETON**

**SECONDED BY COUNCILMAN FISHER**

Amended Retirement- Standard Work Day and Reporting Resolution

**BE IT RESOLVED**, that the Town of Fort Edward hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees’ Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body:

<b>ELECTED OFFICIALS</b>					
<b>TITLE</b>	<b>NAME</b>	<b>STANDARD WORK DAY (HRS/DAY)</b>	<b>TERM BEGINS/ENDS</b>	<b>EMPLOYER RECORD OF TIME WORKED (Y/N)</b>	<b>Days/Month (based on Record of Activities)</b>
Town Clerk	Aimee Mahoney	6	01/01/2016-12/31/2019	N	23.32
Supt. Of Highways	Brian Brockway	6	01/01/2016-12/31/2019	N	23.32
<b>APPOINTED OFFICIALS</b>					
Planning Board Member	Robert Fruchter	6	01/01/2016-12/31/2022	N	0.56
Planning Board Member	Valerie Ingersoll	6	01/01/2014-12/31/2020	N	0.56

I, Aimee Mahoney, Clerk of the governing board of the Town of Fort Edward, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 1st day of January, 2014 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of five (5) members, and that of such members were present at such meeting and that four (4) of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto  
SET my hand and the seal of the  
TOWN OF FORT EDWARD.

Location Code: 30504

Employer Name: Town of Fort Edward

Affidavit attesting that the Standard Work Day and the Reporting Resolution was posted and available to the public for a minimum of 30 days.

State of New York  
County of Washington

Aimee Mahoney, being duly sworn, deposes and says:

1. That she is the Town Clerk of the Town of Fort Edward.
2. That the posting of the Resolution began on February 14, 2012 and continued for at least 30 days.
3. That the Resolution was posted and available to the public on the (please check one):

Employer's website at

Official Sign board at 118 Broadway, Fort Edward, New York

Main entrance to office of the clerk at 118 Broadway, Fort Edward, New York

\_\_\_\_\_  
Signature of Clerk of Governing Body

Title Town Clerk

DATE: June 12, 2017

**VOTE:** Supervisor Suprenant – AYE  
Councilman Orsini – AYE  
Councilman Middleton – AYE  
Councilman Fisher – AYE  
Councilman Mercier – AYE

**RESOLUTION NUMBER 22 OF 2017**

**MOTION BY COUNCILMAN FISHER**

**SECONDED BY COUNCILMAN MIDDLETON**

**TITLE: SHARED SERVICES AGREEMENT BETWEEN NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) AND THE TOWN OF FORT EDWARD.**

**WHEREAS**, this agreement dated June 12, 2017 is between the people of the State of New York, hereinafter referred to as “State” or “NYSDOT” and the Town of Fort Edward, hereinafter referred to as “Municipality”. Pursuant to Section 99-r of the General Municipal Law, the State and the Municipality wish to share services, exchange or lend materials or equipment which shall promote and assist the maintenance of State and Municipal roads and highways and provide a cost savings by maximizing the effective utilization of both parties’ resources. Shared Services shall mean any service provided by one party (Provider) to another party (Recipient). The State and the Municipality agree to share services as follows, and

**WHEREAS**, Description and Cost of Services, Materials or Equipment to be shared: Provide details of the services, materials or equipment to be shared in the attached standards Schedule A. The total amount of the agreement shall not exceed (\$10,000.00). If applicable, indicate that the return exchange will be determined at a later date, and

**WHEREAS**, The Provider’s employees shall remain under full supervision and control of the Provider. The parties shall remain fully responsible for their own employees for all matters, including but not limited to, salary, insurance, benefits and Workers Compensation, and

**WHEREAS**, If the borrowed machinery or equipment is damaged or otherwise needs repair arising out of or in connection with the Recipient’s use, the Recipient shall be responsible for such repairs.

**NOW THEREFORE BE IT RESOLVED**, that The Municipality agrees to defend and indemnify the State for any and all claims arising out of the Municipality’s acts or omissions under this Agreement. Subject to the availability of lawful appropriations and consistent with Section 8 of the State Court of Claims Act, the State shall hold the Municipality harmless from and indemnify it for any final judgment of court of competent jurisdiction to the extent attributable to the negligence of the State or of their officers or employees when acting in the course and scope of their employment, and

**BE IT FURTHER RESOLVED**, that the term of this agreement shall be for 4 years from June 12, 2017 to June 12, 2021. The parties will endeavor to provide no less than thirty (30) days’ notice of its intent to extend the Agreement. Either party may revoke this Agreement by providing sixty (60) days written notice of such revocation. Upon revocation, any outstanding obligations of the parties must be satisfied within thirty (30) days of the date of such revocation.

**DATED:** June 12, 2017

**VOTE:** Supervisor Suprenant – AYE  
Councilman Orsini – AYE  
Councilman Middleton – AYE  
Councilman Fisher – AYE  
Councilman Mercier – AYE

**RESOLUTION NUMBER 23 OF 2017**

**MOTION BY COUNCILMAN MERCIER**

**SECONDED BY COUNCILMAN MIDDLETON**

**TITLE: SPECIAL COUNSEL/MHW PROPERTIES, LLC SUBDIVISION 334  
BROADWAY, FORT EDWARD, NY 12828**

**WHEREAS,** The Town of Fort Edward is looking for Special Counsel to review the subdivision application submitted by MHW Properties, LLC for property located at 334 Broadway in the Town of Fort Edward due to a conflict, and

**WHEREAS,** Stefanie Bitter of Bartlett, Pontiff, Stewart & Rhodes, P.C. has expressed interest in becoming Special Counsel to the Town for this purpose, as well as if any further zoning variances or site plan applications are sought by MHW Properties, LLC, and

**WHEREAS,** if chosen to serve as Special Counsel to the Town to review the subdivision application of MHW Properties, LLC the proposed fee arrangement would be \$200.00/hr. for Attorneys and \$120.00/hr. for paralegal services. Hours would be posted in tenth of an hour increments. Costs may include mileage and travel related expenses, postage, long distance telephone calls, ad photocopying.

**NOW, THEREFORE BE IT RESOLVED,** that the Town Board of the Town of Fort Edward agrees to use the services outlined by Stefanie Bitter of Bartlett, Pontiff, Stewart & Rhodes, P.C. for review of the subdivision as well as any further applications submitted by MHW Properties, LLC as it relates to 334 Broadway, Fort Edward, NY 12828.

Dated: June 12, 2017

**VOTE:** Councilman Mercier- AYE  
Councilman Fisher- AYE  
Councilman Middleton- AYE  
Supervisor Suprenant- AYE  
Councilman Orsini- AYE

**RESOLUTION NUMBER 24 OF 2017**

**MOTION BY COUNCILMAN MIDDLETON**

**SECONDED BY COUNCILMAN ORSINI**

**TITLE: RESOLUTION TO LOWER THE SPEED LIMIT ON COUNTY ROUTE 46 IN  
THE TOWN OF FORT EDWARD**

**WHEREAS**, pursuant to Section 1622.1 of the New York State Vehicle Traffic Law, the Town of Fort Edward, Washington County, New York wishes to establish a lower maximum speed limit at which vehicles may proceed on County Route 46, from State Route 4 to the Drifting Ridge Development, in the Town of Fort Edward.

**NOW THEREFORE, BE IT RESOLVED**, that the Town of Fort Edward hereby requests the Department of Transportation, pursuant to Section 1622.1 of the Vehicle and Traffic law of New York State, to establish a lower maximum speed on County Route 46, in the Town of Fort Edward, and

**BE IT FURTHER RESOLVED**, that the Superintendent of Highways is hereby directed to: (a) obtain official signs conforming to the New York State Uniform Traffic Control Device Manual and the Regulations of the New York State Department of Transportation, and to post said signs at such place upon or along the aforementioned road as may be necessary to advise motorists of the regulation herein above enacted, as required by Vehicle and Traffic Law Section 1660(11), and

**BE IT FURTHER RESOLVED**, that the regulation herein above enacted shall take effect on the date that signs have been placed and a notice has been published in accordance with the preceding paragraph, and shall continue in effect.

DATED: June 12, 2017

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

**CORRESPONDENCE:**

- Fort Edward Alumni Association golf weekend is requesting \$100.00 for a sign to raise funds for scholarships.

**MOTION** by Councilman Fisher, Seconded by Councilman Orsini to sponsor a sign for \$100.00 for the Fort Edward Alumni Association Golf Tournament **ALL AYES**

**OTHER BUSINESS:**

**Global Partners  
Information**

**Allen Stratton:** Consulting firm for Global Partners which is a diversified energy marketing company. Global Partners is trying to lease land in the Industrial Park to store 50 rail cars of propane for up to 6 months at a time. They hold the product for a period of time on price. They are working with DA Collins to extend the use of the property.

**Supervisor Suprenant:** Where are the cars now?

**Adam Lombrtire:** It depends; they are all over the place in a cycle of transport.

**Supervisor Suprenant:** Are the cars up to code?

**Sid Decell:** Yes 100%

**Councilman Middleton:** Can you hook 80 rail cars together?

**Sid Decell:** Yes if it meets tonnage requirements and they are spaced properly. The facility will be fenced in and lit, monitored on a regular basis and have regular compliance inspections.

**Councilman Middleton:** What about bleed off in the heat?

**Adam Lombrtire:** They are pressure cars, they shouldn't bleed off but it is a possibility.

**Supervisor Suprenant:** How long are you planning to do this?

**Sid Decell:** It depends

**Supervisor Suprenant:** What is the benefit to the Town?

**Adam Lombrtire:** The significant benefit is that the property will be expanded.

**Matthew Hurlburt:** How many gallons per car?

**Sid Decell:** 29.5 gallons

**Matthew Hurlburt:** Do you have team for leaks?

**Adam Lombrtire:** Yes, we have standing contracts with response outfits to handle any uncontrolled release.

**Matthew Hurlburt:** How far away are they?

**Sid Decell:** Albany

**Matthew Hurlburt:** I would recommend security be 24-7 for a facility like that.

**Sid Decell:** Cars are sealed

**Supervisor Suprenant:** Are there any incidents on record?

**Sid Decell:** No not with propane

**Mary-Ellen Stockwell:** Do you have any other NY sites?

**Adam Lombtire:** Yes we have a fixed terminal site on Erie Blvd. in Albany.

**Merrilyn Pulver-Moulthrop:** I was supervisor when we had an ammonia leak and that did an awful job on the Village for 3 days. We had to declare a State of Emergency. I think you should think long and hard about this. I would question whether it's a valuable use of the space. It will only benefit the company.

**Adam Lombtire:** While I am sympathetic to the statements made, we want to work with the Town to address concerns; we will be prepared with both the assets and the resources.

**Matthew Hurlburt:** How many other rail yards do you have and do you have a record on incidents?

**Sid Decell:** I'm sure we could come up with something.

**Merrilyn Pulver-Moulthrop:** This day in age I don't think it's unreasonable to consider terrorist attacks on a site like this.

**PUBLIC COMMENT:**

**Audina Papp:** We received final approval from NYSDOT for our air strip.

**MOTION** by Councilman Fisher, Seconded by Councilman Middleton to go into executive session at 7:48pm **ALL AYES**

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

**ADJOURNMENT:**

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

DATED: June 14, 2017

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Aimee Mahoney, Town Clerk