

**MINUTES OF THE TOWN OF FORT EDWARD TOWN BOARD MEETING HELD ON MONDAY, AUGUST 8, 2016 AT TOWN HALL COMMENCING AT 7:00PM**

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

Pledge of Allegiance

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

**ABSENT:** Councilman Fisher  
Councilman Orsini

**OTHERS PRESENT:** Darlene DeVoe, Michael Suprenant, Linda Hermans, Todd Humiston, Brian Brockway, Mary-Ellen Stockwell, Laurie LaFond, Merrilyn Pulver-Moulthrop, Tom Moulthrop, Debbie Parker, Tim Livsey, Joseph Tingley (Post Star), Stephen Davie, David DeVries, Ron Renoni, Scott Pulver

**APPROVAL OF MINUTES: MOTION** by Councilman Middleton, Seconded by Councilman Mercier to approve the minutes of the meeting of July 11, 2016 **ALL AYES**

**APPROVAL OF REPORTS: MOTION** by Councilman Middleton, Seconded by Councilman Mercier to approve the reports of the Town Clerk, Supervisor, Highway Superintendent, Code Enforcement/Zoning Officer and Town Justice as submitted **ALL AYES**

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

**Grant Coordinator Report for August 2016**

Submitted by Darlene DeVoe 8/8/2016

~~**Former Grand Union Brownfield Redevelopment Project**~~

**MARKET 32 Construction Project**

The construction of the Market 32 is moving along nicely. I was on-site today getting a tour of the progress and it is impressive.

Roof is going on this week. The plumbing is the holdup right now because of changes that were made, after the lines were installed. They expect to start pouring the slab this week and next. And, as everyone can see, the lights are on!

The traffic light will be installed at the end of the month and will be set to flashing for a month before being activated.

The Market 32 sign is being designed this week, to Town specifications.

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

1099 Burgoyne Phase 2 Environmental Site Assessment revised scope was approved and CT Male is progressing with next steps. Access agreements may be needed for the neighboring property to get to this property, not for sampling purposes. Aimee Gates (CTM) will be meeting with me this week to go over her concerns.

Our EPA Project Officer will be coming up to look over the Freight House before we get proposals for the Phase 1 ESA. He believes it may warrant a Phase 2 and if that is the case then he will help shape the new Project Work Scope to cover both and procure the engineer once. He hasn't had a chance yet but we are on his schedule.

### **BOA Step 3 –**

We have received some information that has given CT Male the directive to return to their proposed Rte 4 Truck Access Route and make any necessary revisions.

We continue to work with the owners of the Industrial Park on addressing issues that pose hindrances to development.

### **Bradley Beach –**

We have sent the Secretary of the Department of State a powerful letter explaining the situation and our desire to revise the workscope to include work at the pool instead of the beach and are now waiting to hear back.

### **HOME 2013 –**

The first project is underway! We have ordered lead and energy reports on the next two potential projects. Several applications are being worked on now.

*Note: 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.*

### **Community Planning –**

I am currently drafting the updates to the Master Plan. I would like to hold an informational meeting to discuss the draft and gather public input in the end of October.

**Champlain Canalway Trail –**

The 3<sup>rd</sup> bike tour is slated to being in Schuylerville’s Fort Hardy Park and go to, and through, the National Park. The cost is \$50. An extra \$25 if you would like to ride the boat back. Aug 13th

The Village and Fort Edward Chamber of Commerce will be hosting the “Community Leaders along the Champlain Canalway Trail” presentation and luncheon at the end of September, in the Canal Street Farmers Marketplace (which will be opening on October 8<sup>th</sup> with the first Fort Edward Locktoberfest event).

**Proposed Water District 3**

I have spoken to Deputy Supervisor Middleton about preparing paperwork to submit to Assemblywoman Carrie Woerner’s office. She has expressed an interest in helping to fund the formation of Water District 3.

We need clarification on what costs those include because all of the paperwork I have is in regard to the total project costs. I assume they are legal since the preliminary engineering design and costs were prepared and revised. These are in the Map, Plan and Report.

**APPROVAL OF BILLS:**

**Abstract #8**

<b>GENERAL A:</b>	<b>5853-5854,5859,5861-5891</b>	<b>\$14,608.49</b>
<b>GENERAL B:</b>	<b>5892-5903</b>	<b>\$ 4,588.93</b>
<b>HIGHWAY:</b>	<b>5904-5911</b>	<b>\$ 4,253.93</b>
<b>MUNICIPAL:</b>	<b>5855,5912-5915</b>	<b>\$ 1,562.72</b>
<b>SPECIAL LIGHTING:</b>	<b>5856,5916-5917</b>	<b>\$ 2,339.49</b>
<b>SPECIAL WATER:</b>	<b>5857,5860,5918-5925</b>	<b>\$ 1,101.04</b>
<b>SPECIAL WATER 2:</b>	<b>5858,5926-5927</b>	<b>\$ 168.98</b>
<b>BOA 3:</b>	<b>23-24</b>	<b>\$ 9,800.00</b>
<b>PET ASSESS. 2:</b>	<b>50</b>	<b>\$ 105.00</b>

**TOTAL: \$38,531.58**

**RESOLUTIONS:**

**RESOLUTION NUMBER 22 OF 2016**

**MOTION BY COUNCILMAN MIDDLETON**

**SECONDED BY COUNCILMAN MERCIER**

**RESOLUTION APPROVING WASTE DISPOSAL AGREEMENT WITH  
WHEELABRATOR HUDSON FALLS, LLC FOR FEBRUARY 1, 2016 THROUGH  
JANUARY 1, 2017 AND AUTHORIZING TOWN SUPERVISOR MITCHELL C.  
SUPRENANT, JR. TO SIGN WASTE DISPOSAL AGREEMENT WITH  
WHEELABRATOR HUDSON FALLS, LLC.**

**WHEREAS**, the Town Board of Fort Edward desires to enter into a Waste Disposal Agreement for the Town for the time period of February 1, 2016 and continue through January 31, 2017 for the disposal of acceptable waste with Wheelabrator Hudson Falls, LLC at their Hudson Falls plant; and

**WHEREAS**, the Town Board of the Town of Fort Edward have previously engaged in the services of Wheelabrator Hudson Falls, LLC for necessary waste disposal and desires to continue such relationship with Wheelabrator Hudson Falls, LLC under the terms of Waste Disposal Agreement for the February 1, 2016 and continue through January 31, 2017 year.

**NOW THEREFORE BE IT RESLOVED**, that the Town Supervisor Suprenant is authorized, pending final attorney review and approval, to enter into the Waste Disposal Agreement for the February 1, 2016 and continue through January 31, 2017 year with Wheelabrator Hudson Falls, LLC for waste disposal and removal of waste for the Town of Fort Edward as the Town shall see fit.

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately.

DATED: August 8, 2016

Supervisor Suprenant – AYE  
Councilman Orsini – ABSENT  
Councilman Mercier – AYE  
Councilman Middleton – AYE  
Councilman Fisher – ABSENT

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

**Resolution No. 23 of 2016**

**Adopted August 8, 2016**

**Introduced by Councilman Middleton  
who moved its adoption.**

**Seconded by Councilman Mercier**

**RESOLUTION INTRODUCING A PROPOSED LOCAL LAW AMENDING CERTAIN  
SECTIONS OF THE TOWN OF FORT EDWARD ZONING CODE CODIFIED IN  
SECTION 108 OF THE TOWN CODE AS IT RELATES TO THE REGULATION OF  
SOLAR ENERGY COLLECTORS IN THE TOWN OF FORT EDWARD**

**WHEREAS**, pursuant to Section 10 of Municipal Home Rule Law and Sections 264 and 265 of Town Law, the Town Board of the Town of Fort Edward (the “Town”) has the authority to adopt local laws amending the Zoning Local Law of the Town of Fort Edward and the Code of the Town of Fort Edward; and

**WHEREAS**, it is the intention of the Town of the Fort Edward (the “Town”) to promote the health, safety and general welfare of the residents by establishing specific minimum requirements and regulations governing the location, use, and maintenance of solar collectors within the Town of Fort Edward; and

**WHEREAS**, the Town Board plans to consult with the Planning Board, the Zoning Board of Appeals and the Zoning Administrator to review the proposed local law; and

**WHEREAS**, the Town Board pursuant to General Municipal Law Section 239-M must refer the Local Law to the Washington County Planning Board for review; and

**WHEREAS**, the use of solar energy equipment for providing electricity generation and financial benefits for the residents of the Town is becoming more prevalent throughout the Town; and

**WHEREAS**, the Town is committed to preserving the future of agriculture in the community and retaining the agricultural uses and most productive agricultural soils for future generations; and

**WHEREAS**, the purpose of the proposed local law is to balance the potential impact on agriculture and adjoining properties, while preserving the rights of property owners to install solar collection systems without excessive regulation; and

**WHEREAS**, a proposed local law regulating the siting of solar arrays in the Town of Fort Edward has been prepared and is attached hereto.

**NOW, THEREFORE BE IT**

**RESOLVED**, the proposed Local Law regulating the siting of solar arrays in the Town is hereby introduced. A public hearing shall be noticed and held by the Town Board on September 19<sup>th</sup>, 2016 at 6:00 p.m. to consider the proposed local law; and be it further

**RESOLVED**, that the Town Clerk is directed to refer the proposed Local Law to the Washington County Planning Board with Referral Form for review at their earliest possible opportunity; and be it further

**RESOLVED**, this resolution shall take effect immediately.

Dated: August 8, 2016

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

**OTHER BUSINESS:**

**Laurie LaFond:** Gave letters of support to the Board, questioned the Town Attorney's review of the proposed contract

**Supervisor Suprenant:** We did not have the Attorney do a thorough review, we did ask her to briefly go over the contract

**Mary-Ellen Stockwell:** Gave her brief review, the Board did not ask me to propose any language at this time, I will send you a memo at the Board's discretion.

- Annual Donation in lieu of payment of taxes in the amount of \$3,804.39 however there is nothing in the agreement that requires them to actually pay and, it is vague and ambiguous
- What type of remedies does the Town have if they don't follow through, there is not protection to the Town in this agreement
- There are no teeth in the contract, no promissory note, it's worded as a donation
- There are other taxing entities such as the School District that would be consulted with
- It's up to the Board whether or not they want to enter into a contract with the IBA

**Supervisor Suprenant:** Laurie you said only 2 parcels would be affected by Water District 3 is that right?

**Laurie LaFond:** Yes, only the house and the 10 acres and the 2 acre lot across the street are in the proposed district according to the map we looked at.

**Supervisor Suprenant:** Our concern is that we need those parcels to lessen the burden for WD3, we didn't qualify for any funds for the project and we want to make the cost come down.

**Mary-Ellen Stockwell:** This is also based on proposed legislation; it was brought before the Senate and remains in committee.

**Supervisor Suprenant:** I remember a meeting when DEC said they would be paying taxes on these properties in the beginning. We can't be taking anymore properties off the tax roll

**Laurie LaFond:** 21 Towns have amended the real property law, they are planning to add FE, Kingsbury and Argyle.

**Supervisor Suprenant:** We will be all for it once the legislation is passed, I have talked to Assemblywoman Woerner about this. Our tax base is decreasing and we don't want to take a hit.

**Laurie LaFond:** We are hoping the legislation passes next year

**Supervisor Suprenant:** Can you get a promissory note that if the IBA does not make the payment someone will.

Board asked for the Financials from the IBA

**David DeVries:** From Argyle, 50 years from now when your grandchildren are sitting where you are will you want to be known for how many houses you approved or how much land you preserved. There are many hidden costs of development, birds don't require infrastructure, utilities, water, etc., and by the way Mr. Supervisor that is a nice shirt.

**Councilman Middleton:** Birds don't pay taxes either.

**Supervisor Suprenant:** We have a Master Plan which includes preserving the land in that area. We aren't putting water out there for development we are putting water out there because people are coming in here crying about the state of their water.

**Linda Hermans:** We have over 200 people a week at the Theater. People are coming from NYC to watch birds, go to the theater; the whole thing is building bringing people to Fort Edward.

**Supervisor Suprenant:** I am for it; some of our Board members have different opinions. Our Board is concerned about losing money.

**Linda Hermans:** Deadly Parsnip is growing along our highways. I called and was told the equipment was broken. This stuff is awful and people are in hospitals sick from it. Why isn't our Highway Dept. mowing the sides of the road?

**Brian Brockway:** The mower was down for a month waiting for a valve and he has started mowing and is going from Fort Miller up.

**Supervisor Suprenant:** We do not have a contract signed with the County due to them not wanting to up their fees for our services to mow their roads.

**Merrilyn Pulver:** As the landowner I have kept quiet and was prepared to let the IBA handle this. I wouldn't be in favor of this project if the taxes weren't going to be paid. I understand your concerns about the legislature. 100 acres of my land on Blackhouse Rd was purchased in 2008 by the Nature Conservancy. As soon as the legislation is passed the State will be paying taxes on that land as well. I am happy about Proposed Water District 3, I will be one of the highest payers of that district with my 10 acres. All of my lots that were subdivided are not even in the proposed district. From what I have looked at you will be losing 1 lot out of 96 lots. This was my husband and my farm for 50 years. I have a nature trail which is to go on that property, DEC will take it over and it will be named the David Pulver Trail. I'm 70 years old and I'm ready to start a new phase of my life.

**Supervisor Suprenant:** We need to hear from our full Board and see if it can be approved to move forward and if so Mary-Ellen can write up a contract protecting the Town. Keep sending the letters to our legislators. We can discuss it at next month's meeting when the rest of the Board is present.

**MOTION** by Councilman Middleton, Seconded by Councilman Mercier to go into Executive Session at 7:59 **ALL AYES**

**MOTION** by Councilman Mercier, Seconded by Councilman Middleton to come out of Executive Session at 8:35pm **ALL AYES**

Back in regular session

**MOTION** by Councilman Middleton, Seconded by Councilman Mercier to give the County \$200.00 for the purchase of the Civil War flag **ALL AYES**

**ADJOURNMENT: MOTION** by Councilman Middleton, Seconded by Councilman Mercier to adjourn the meeting at 8:36pm **ALL AYES**

DATED: August 9, 2016

---

Aimee Mahoney, Town Clerk



