

**MINUTES OF THE TOWN OF FORT EDWARD TOWN BOARD MEETING HELD ON MONDAY, SEPTEMBER 12, 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 Mercier  
] Councilman Orsini

**OTHERS PRESENT:** Jeannie Mullen, Bill Toscano, Town Attorney Mary-Ellen Stockwell, Brian Brockway, Gordon Ellmers, Max Fruchter, Mark Janey, Tom Ellis, Gretchen Steen, Laurie LaFond, Merrillyn Pulver-Moulthrop, Lori Benson

**APPROVAL OF MINUTES: MOTION** by Councilman Middleton, Seconded by Councilman Mercier to approve the minutes of the regular meeting of August 8<sup>th</sup> and the special meeting of August 17<sup>th</sup>, 2016 **ALL AYES**

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

Councilman Middleton read the following Grant Report Submitted by Grant Coordinator Darlene DeVoe:

**Grant Coordinator Report for September 2016**

Submitted by Darlene DeVoe 9/12/2016

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

**MARKET 32 Construction Project**

The construction of the Market 32 is still cruising along. We had an on-site meeting last week and I was able to go inside the new store.

PC, Bast Hatfield, 354 Broadway, CT Male, DA Collins and the Town met to discuss the next phase which require everyone to work together. The meeting was very informative for all of us and hopefully, the next months will go smoothly.

**EPA Petroleum Assessment Grant -**

1099 Burgoyne Phase 2 Environmental Site Assessment is underway.

Our EPA Project Officer will be coming up to look over the Freight House next month.

### **BOA Step 3 –**

The Draft Generic Environmental Impact Statement is being worked on by CT Male and it will be a great tool for our Planning Board and potential Businesses to utilize while the former facility is being redeveloped. We are assuming that the Planning Board would like to be Lead Agency. We should be ready for the PB to review the Part 1 EAF and declare the “project” to be a Type 1 Action. From there, letters will be sent to involved agencies.

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. I met with Jim Thatcher today to look over the 2 proposed alternatives. I am guessing that a combination will be preferred but need to see the layers of data that went in to the 2 being proposed.

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

### **Bradley Beach –**

I have not heard back regarding our letter and workscope change request that we submitted last month.

### **HOME 2013 –**

The first project is complete! 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. How does

**Champlain Canalway Trail –**

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 the month, 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 followed up on Deputy Supervisor Middleton’s conversation and met with Assemblywoman Woerner last week. She said she would like to help if she can and infrastructure is an important investment. I need to know how much it will cost to form the district, not build the project. Mainly, legal expenses and any NYS fees that we will need to pay.

This funding goes through DASNY and is reimbursement. And, may be slow getting back.

**APPROVAL OF BILLS: MOTION** by Councilman Middleton, Seconded by Councilman Mercier to approve Abstract #9 **ALL AYES**

**ABSTRACT #9**

<b>GENERAL A – 5930-5931,5932-5934,5938-5976</b>	<b>\$20,008.25</b>
<b>GENERAL B – 5977-5983</b>	<b>\$ 3,511.00</b>
<b>HIGHWAY – 5984-5989</b>	<b>\$ 6,294.29</b>
<b>MUNICIPAL – 5990-5996</b>	<b>\$ 2,191.27</b>
<b>SPECIAL LIGHTING – 5928,5935-5936</b>	<b>\$ 2,476.78</b>
<b>SPECIAL WATER – 5929,5937,5997-5999</b>	<b>\$ 766.72</b>
<b>SPECIAL WATER 2 – 6000-6003</b>	<b>\$ 4,469.58</b>
<b>HOME 2013 – 10-12</b>	<b>\$19,415.00</b>
<b>EPA PET 2 – 51-52</b>	<b>\$ 460.75</b>
<b>BOA 3 - 25</b>	<b>\$ 1,175.00</b>

**TOTAL: \$60,768.64**

## **BUSINESS:**

- Peddling and Soliciting License Application– Amanda Cedrone: Have her come in on the 19<sup>th</sup> if she wants to go door to door. No action taken at this time
- Friends of the IBA: Financial paperwork was submitted along with several new support letters.

**Laurie LaFond:** We have 120 letters of support now, 50 came from IBA towns of Fort Edward, Argyle and Kingsbury and every person checked off that they would support the State acquisition whether or not we paid the payment in lieu of taxes. We looked at how many households were in Fort Edward and divided that into the taxes of \$3,800.00 and we calculated the cost to be about \$1.69 per household if we didn't pay the taxes. We talked to hundreds of people at the fair and everyone wanted to see the land remain undeveloped. The residents (a couple dozen from Fort Edward) said they didn't care if we paid the taxes they would still support it. Maybe we can put out a survey and ask the residents if they would even care about the \$1.69.

**Councilman Middleton:** In my opinion it's not the \$1.69 it's the cost to the proposed water district #3 because that would be more than \$1.69. If we keep taking parcels out of the project it will be less affordable for the residents of the district.

**Laurie LaFond:** There is only 1 parcel in the proposed water district that would be affected and who knows how many more years before the water district is done. The State could be paying the taxes before you even have the water district if the legislation passes.

**Councilman Orsini:** Personally let's wait and see if the state pays the taxes because I don't trust New York State to pay the taxes.

**Merrilyn Pulver-Moulthrop:** I would like acknowledge Dr. Gordy Ellmers who is here since he has done a great job of taking pictures of the grassland birds and I would like to thank him very much for what he has done to show people what this really involves and the types of birds in that area. I would like to thank on behalf of my family the Friends of the IBA for their efforts to protect the endangered, threatened grassland birds and to preserve their habitat; they have supported the purchase by DEC and have also made funding available to maintain the economic well being of the Town, County, School as well as the Special Districts until the State has adopted the bill through the Senate. FIBA has a large membership ready to bring the project to fruition. I would also like to thank both Senator Little and Assemblywoman Woerner for their support in adopting a bill that will provide State money for taxes not only for the present purchase but for the other 268 acres already owned by NYSDEC thereby increasing tax revenue to the Town. Our Town is rich in historic heritage and already has many attractions for tourists such as the Little Theater on the Farm in the hamlet of Durkeetown which provides an add on value to all property in the Town. Lastly, I would also like to thank the members of the Fort Edward Town Board for their consideration with the proposal. It has been a trying time for all of us, I understand that you have a job and you want to do the right thing for the Town. I as a

person of the community for almost 50 years also have some things that I would like to accomplish and we seem to be talking about very minute reasons why the project is being delayed by the Town Board. I feel that the Friends of the IBA have really worked hard to answer your questions, I haven't gotten involved but have gotten the chance to meet a lot of the members and these are very dedicated people that also want to do the right thing. I would really like really understand the real problem with this proposal. I know that the Friends of the IBA are willing to pay and have put forth an agreement and have agreed to revise the agreement in any which way necessary, I know there has been some discussion about the water district and we looked at the water district and it would be 1 parcel out of 96 parcels that would be affected. We looked at what would happen if for some reason the IBA went out of business and didn't pay the \$3,800.00 per year then it would be \$1.69 per household additional expense. If there are other reasons we would really like to know what those reasons are.

**Councilman Orsini:** My reason is that I don't trust New York State to pay taxes and that is my reason.

**Councilman Fisher:** We are losing a lot of tax base

**Laurie LaFond:** The State thing is separate from our proposal and if they don't pay we will keep paying.

**Councilman Middleton:** Why don't you just buy her land?

**Laurie LaFond:** We don't have the money for that.

**Councilman Mercier:** We are working on the water district for a long time and until that is settled I don't want to consider anything else. If we don't get the water I would be happy to approve it.

**Merrilyn Pulver-Moulthrop:** I know that we worked on Water District 2 and it's not an easy project to get through, I certainly understand that but I hate to have this project be considered not viable because of 1 parcel out of 96 parcels.

**Councilman Middleton:** It's 1 parcel now but you know and I know that you come down Blackhouse Road to the corner, who says that Water District 4 doesn't go from there over to Plum Road and connect to the new development.

**Merrilyn Pulver-Moulthrop:** That was a decision that we had made early on

**Councilman Middleton:** There are only a few of us dumb enough to stay there all this time with the water. You know as well as I know that people move in and are there 2 or 3 years and they leave. These are the people that keep coming in front of us wanting the water.

**Merrilyn Pulver-Moulthrop:** I can accept that concern to a degree, I think it's a little overboard when we are talking about 1 parcel and that would be talking about the property going down County Route 46 and up Plum Road and now we are talking about 4 parcels because 3 of those

parcels are not part of the sale. Those 3 parcels are for my family and I look forward to water. So then we had the Nature Trail which was subdivided to go behind it and then the rest of that area cannot be developed until 2052, I don't think I'll be here by then so we are talking another 4 lots for a water district that isn't even formed. I have a hard time understanding why you wouldn't accept the IBA's offer.

**Supervisor Suprenant:** If it were just up to me I would say yes. I have no issues with it

**Councilman Fisher:** I think you should direct your efforts towards the State, what is the big hurry?

**Laurie LaFond:** Merrilyn has had this hanging over her head for a while and has been trying to develop it and can't, she was really hoping to have it closed this year.

**Councilman Fisher:** As far as the birds are concerned, they could probably wait until the State pays the taxes.

**Laurie LaFond:** Not if it gets developed if she can't wait and has to sell it to a developer, that's the risk.

**Councilman Mercier:** What did you do about the birds when you farmed the land? You weren't worried about the birds then.

**Merrilyn Pulver-Moulthrop:** In 2002 we took 94 acres and put that in a Conservation Easement with the Federal Government. That land then became protected against us doing certain things at certain times of the year. If you go over there at any particular time there are sections that have not been used at all which is part of what we need to do for the conservation easement. The gully area takes up approximately 30 acres of it, we have never done anything more with it. We can't graze animals on it; we can't make use of it. It leaves us approximately 60 acres and every third year those acres get rotated so that you can take the hay off of those fields. All the fields along the road were subdivided into lots. 4 of those lots on Plum Road are part of what DEC would like to own, especially the highest lot to put a visitors center on. Coming around to Plum Road and back up County Route 46 toward our farm there are 3 lots that have nothing to do with what DEC wants to buy. Those 3 lots I'm keeping for my children and that takes care of that property. There are 7 lots, 4 of which are in the sale, there is a nature trail, the 3 lots I'm keeping and 94 acres that nothing can be done to until 2052, after that those acres are up to whoever owns them at that time. If the State owns them then they are preserved. Coming around the corner to finish out the rest of my property there is an 18 acre parcel with a barn on it and a 2 acre building lot and that would be the 1 lot that would be omitted from the water district. Across from that is the house and barns and 10 acres that I subdivided last year and behind that there is approximately 40 acres that would be taken over by DEC. They are looking at about 180 acres of property. I have waited because I have sat in some other meetings and I know not everybody was here and yes, next year will be 50 years that I've been here and it's been my home. It's time for me to move forward and I need to be able to make decisions to move forward and I'm feeling disappointed at this point, I would like to see this go forward. I am hearing that some of you would rather see me take the land that is able to be developed and get a developer and develop it

which would certainly bring me a lot more money however, I haven't found a developer yet that's interested and they are not going to be interested until there is water and water district 3 is formed. We are only talking about 1 parcel that would no longer be part of it and down the road when you do the next water district then there would be 4 lots coming out of the district.

**Councilman Middleton:** I would rather see you sell it to a developer and have smart growth with 5 or 6 acre lots and make the water district affordable for the people that live there.

**Merrilyn Pulver-Moulthrop:** You are certainly entitled to your opinion and I've told you my opinion. I worked hard on that land with my husband and my family. This is my legacy and this is why I feel the way I do. If it could be as simple as to allow the IBA to move forward and let this come together you would see it has as much possibility in my mind as the water district forming. I could certainly make more money if I sold to a developer but I don't think there is a developer out there that really wants to look at it because I have tried that already. I am in a predicament either way. I'm 70 and I need to move on and we have paid very well over the years for taxes, probably close to \$250,000.00. It was about \$5,000.00/yr. and now it's about \$8,000.00/yr. I need to make decisions and I need to know if when the bill is passed is this Board even going to be still in place? The bill should be adopted next year and then that will provide the extra revenue that it hasn't been getting.

**Supervisor Suprenant:** Is there anyone on the Board that will be against it if New York State passes the bill? I am for it.

**Councilman Orsini:** I am for it if the State passes it or if we have a contract that the IBA is making a payment in lieu of taxes until the State passes it.

**Councilman Fisher:** I am only for it if the State passes the bill.

**Councilman Mercier:** I am for it if the State passes the bill.

**Councilman Middleton:** I told everyone my feelings. I have 2 family members in water district 2 and the district was affected by a re-assessment of 1 parcel in the district and it cost the rest of the residents of the district \$100.00-\$200.00 just on a misclassification where somebody was assessed wrong. That is why to me each parcel means so much money. Some of the people in water district 2 are on a fixed incomes and that 1 or 2 parcels is huge. I understand what you are trying to do and can appreciate it.

**Laurie LaFond:** Are you familiar with studies that show that development actually increases taxes. I know that is true in Moreau where I live.

**Gordon Ellmers:** We have a great asset out there in the IBA, the more habitat there is for the wildlife the happier I am. I always meet people from other states out there. I would like to see it preserved especially if the IBA is going to pay the taxes until the State picks it up.

**Supervisor Suprenant:** Who is going to be responsible for the land? The State or the IBA?

**Laurie LaFond:** The State and they have the money and they want to pay the taxes but they have to wait for the bill to pass.

**Max Fruchter:** I'm here as a landowner not a birder. Is the Town Board telling Merrilyn that she can't sell her land to DEC?

**Supervisor Suprenant:** DEC is saying that if the Town Board is against it then they won't buy it.

**Max Fruchter:** Ok, so you are telling a property owner that they don't have the right to sell their land legitimately to anyone that has a value to that land. The Town Board is trying to tell a landowner that they can't sell their land? I disagree.

**Supervisor Suprenant:** That is the decision of the State of New York

**Councilman Fisher:** We are saying that we are not going to take it off the tax roll. She can sell it anybody she wants to.

**Max Fruchter:** The State wants to be a buyer; it appears to me as a landowner that the Town Board is very rapacious in their attitude toward this sale. You are looking at it in that it's monetary inclined, that it's taking off the tax roll. Folks, you don't own it she does. She has a legitimate right of 50 years, her husband and her family worked that land. I think it's absolutely un-American that you are going to say to a landowner that they can't sell their land legitimately to somebody that is not going to put up an industrial plant or several homes. I understand the whole thing about trying to get water down there but when somebody wants to make development in front of the Planning Board and god forbid the Planning Board puts roadblocks up or says anything because then we are the bad guys. I'm not going to opine on all of the different projects that the Planning Board stopped because we were against development or a certain developer but I think it is really outrageous for you gentlemen to sit up there and tell a landowner that they cannot sell their property when you didn't pay the taxes or work the land. I think its incumbent upon you as a Board to look at it as not who is going to pay the taxes but rather there is a property right. The right of a property owner to sell their land as long as it's not detrimental to the Town; the taxes will not be that impacted.

**Councilman Orsini:** So if I take my restaurant and sell it to a church which is a non-taxable entity and it's supposed to be my right to deprive the Village, Town and School District of the taxable income is that what you are saying?

**Max Fruchter:** Excuse me? Do you live in America? Absolutely right they have a right not to pay taxes. That is what our constitution is. If you have property you should be allowed to sell it to whoever you want. That is what we fight for, that is what the whole thing of America is and folks you better understand that this is not a progressive Town; this is a righteous Town that says the landowner has a right to sell their property.

**Councilman Mercier:** I don't care about the taxes but I do care about all the people down there that want water.

**Max Fruchter:** Let them pay for it. I had to put a special well in. This is not a Socialist country.

**Lori Benson:** Why is it incumbent upon Merrilyn to help with the cost in that district?

**Councilman Middleton:** It's not it would be the same with anyone.

**Merrilyn Pulver-Moulthrop:** If I sat here tonight and agreed to pay the \$3,804.00 in taxes that goes maybe \$1000.00 to the Town, \$1,000 to the County and \$2000 to the school district until the bill goes through what would you say to that?

**Laurie LaFond:** You said last time that if we got one person to pledge to pay the taxes if something happened to the Friends of the IBA that you would say yes.

**Councilman Fisher:** The Board didn't say that.

**Councilman Orsini:** What was said was that if there was a contract where the IBA would pay the taxes all the way until the State did that I would support it. Now if Merrilyn chooses to pay them until the bill passes then I would support that too.

**Supervisor Suprenant:** I believe what was said was that if someone would sign a promissory note saying that if the IBA did not pay it someone would be responsible for it.

**Merrilyn Pulver-Moulthrop:** Ok I will do that for you. Will that be enough?

**Councilman Middleton:** Would you pay the assessment for the water district?

**Merrilyn Pulver-Moulthrop:** It was discussed that it includes all taxes; there was a mention about Fire District and about some of the other special districts. Laurie did you say that the IBA would pay those taxes?

**Laurie LaFond:** Yes we said we would make a payment as to what the Town would lose in taxes. I talked to Glenna from NYSDEC Real Property and they wouldn't pay a special assessment like water unless they use it.

**Councilman Middleton:** Then my answer is no. They won't even use water and what you are telling me is that even when the state takes over they won't be considering themselves part of the water district and that is not fair.

**Merrilyn Pulver-Moulthrop:** What you just said Terry is un-American. Because I have lots of land you are going to make me pay for every parcel that should be out there in my field if I choose to farm it for the rest of my life?

**Councilman Middleton:** That's the way water district 2 is set up right now and you set that up.

**Merrilyn Pulver-Moulthrop:** No it is not it is based upon assessments of the people that live along that road and when new people come they add to that base and they pay the Village for the

water. It would be totally illegal to expect me to take 180 acres, 90 of which is in a conservation easement and pay special districts tax, that is un-American what you are asking me to do. Why should I have to do that just because I'm a farmer, I paid my taxes and worked to feed the people of this country.

**Councilman Middleton:** For example, the gentlemen at the top of Blackhouse Rd has an assessment for just water of \$6,000.00 because it's based on the total assessment and that is why we were looking at different ways to do it. Presently the way it is, whether it's un-American or not is based on total assessment the same way it is coming down Route 4.

**Laurie LaFond:** The residents aren't going to go for that so it's not going to happen. They have already told you that that's why you are trying to change it.

**Merrilyn Pulver-Moulthrop:** Back to my question; if it is written in a proper manner that my lawyer and the IBA's lawyer agrees to and the Town lawyer agrees to, would the Board be willing to move the project forward?

**Supervisor Suprenant:** Yes I would

**Councilman Orsini:** Yes I would

**Councilman Mercier:** No

**Councilman Fisher:** No

**Councilman Middleton:** It would have to have something to cover the water for me Merrilyn

**Merrilyn Pulver-Moulthrop:** That is something that I would be somewhat concerned about as to how you are planning that. If I wait another year and come back, I pay the taxes if IBA doesn't pay the taxes, we come back next year and the bill is adopted by the Senate and by the Assembly, do I have a guarantee that everyone on this Board will say yes at that time? If the IBA doesn't pay the taxes then I will pay the taxes so what have we lost? The taxes are going to be paid and you are going to be whole regardless. I could certainly go and take all of that land and box it in but I'm not going to because it is my land and it's my right to keep it.

**Councilman Mercier:** What about all of the other places down there that want water?

**Merrilyn Pulver-Moulthrop:** And they should, but it shouldn't be laid upon me to subdivide my farm into 5 acre lots so that people won't have to pay as much money for water. I don't think any of you would want that put upon you.

**Councilman Middleton:** I want to re-read the legislation because I was not aware that the State was not planning on paying for special districts.

**Supervisor Suprenant:** We will have an answer at next month's meeting after reviewing the legislation.

**OTHER BUSINESS:**

**Brian Brockway:** Rte. 4 market 32 tore all the pavers out by the light poles, who's replacing them?

**Supervisor Suprenant:** They will

**Brian Brockway:** Thursday is the paving day for the parking lot, spoke with 3 phase about Patterson Rd, Blodgett Road Ext, Woodard Rd, and I told them I want something done before winter for plowing. They are supposed to get back to me this week.

**Supervisor Suprenant:** Next Monday we have a Public Hearing on our proposed solar law at 6:00pm.

**Councilman Middleton:** Can we try to buy more locally for the Highway Dept.?

**Councilman Mercier:** Also can you go out to bid for Uniforms?

**MOTION** Councilman Middleton, Seconded by Councilman Fisher to go into Exec Session to discuss litigation at 8:10pm TIM, TERRY

**MOTION** by Councilman Mercier, Seconded by Councilman Fisher to come out of Exec Session at 8:30pm

**Councilman Middleton:** Can everyone get a copy of the legislation and look at it before next month's meeting.

**ADJOURNMENT: MOTION** by Councilman Mercier, Seconded by Councilman Middleton to adjourn the meeting at 8:33pm **ALL AYES**

DATED: September 14, 2016

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Aimee Mahoney, Town Clerk

