

**VILLAGE OF FORT EDWARD REGULAR MEETING OF AUGUST 3, 2009**

**MAYOR TRAVER CALLED MEETING TO ORDER AT 7:03PM.**

**ROLL CALL:** Mayor Traver, Trustees Forte, Williams, DeVoe and Boucher.

**OTHERS PRESENT:** Dave Armando, Justin Derway

**ALSO PRESENT:** Jeanne Mullen, Alex Bodner, Jim Thatcher, Avalon Associates.

Motion by Trustee Boucher seconded by Trustee Williams to approve the minutes of the Regular Meeting of July 6, 2009

**ALL AYES**

Trustee DeVoe asked Dave Armando the status of 12 Church Street. Dave Armando said that the building has been demolished.

Mayor Traver asked Dave Armando about 1 Liberty Street – Is the tenant working on vehicles there. Code Enforcement Officer Armando said the tenant could work on his own vehicles.

Trustee Williams asked Sgt. Derway about the current vandalism in the Village. Sgt. Derway said that the foot patrols are ongoing and this seems to keep the loitering to a minimum.

Mayor Traver told those present that the Bathhouse has been painted. The Board has decided to keep the Bathhouse locked for the rest of the season except for special occasions.

Trustee DeVoe asked Attorney Fuller about the nuisance property Law. Does it need to be changed to address some of the issues. The law does not cover domestic violence incidents.

Attorney Fuller said that the Village could address this change.

Motion by Trustee DeVoe seconded by Trustee Forte to approve the reports from the following departments:

Clerk-Treasurer, Water Superintendent, Village Justice,  
Police Chief, Code Enforcement Officer, Highway Supt.,  
Planning Board Minutes (June 2009).

Mayor Traver told the board about the issue with the beaver dam located off Energy Park Road. There is a property on Factory Street that has had a problem with flooding. The Mayor said that we need to trench the Old Canal and the Energy Park Pond to address the drainage problem.

Motion by Trustee Forte seconded by Trustee DeVoe to authorize the Clerk-Treasurer to pay the following bills:

General Fund -	\$33717.43
Water Fund -	8356.12
2007 CDBG -	4149.15
Air Stripper -	1517.12
2005 HOME -	22707.75
Rourke -	290.25
Water Line -	249.17
Shared Services -	877.50

**ALL AYES**

Motion by Trustee Boucher seconded by trustee DeVoe to adopt **Resolution #9**, which states:

WHEREAS the Fort Edward Village Board does hereby appoint the following summer employees:

**RECREATION**

James Donahue - \$490.00/w  
Brandon Tyler - 8.50/hr  
Katlyn Smith - 7.75/hr  
Ryan Carpenter - 8.25/hr  
Matt Thibideau - 8.00/hr

**STREET – Part-time**

Cameron Tyler - \$9.00/hr  
Andrew Williams - 9.00/hr  
Thomas Hafner - 9.00/hr

**VOTE**

Trustee DeVoe – AYE  
Trustee Boucher – AYE  
Trustee Forte – Ayes  
Trustee Williams – Abstained – Andrew Williams is his son.

Motion by Trustee Williams seconded by Trustee DeVoe to adopt **Resolution #10**, which states:

**WORKPLACE VIOLENCE PREVENTION POLICY**

**I. Policy Statement**

Village of Fort Edward has a long-standing commitment to promoting a safe and secure work environment for all its employees. All Village employees and elected Village Officials are expected to maintain a work environment free from violence, threats of harassment, intimidation or coercion including sexual harassment. While these behaviors are not prevalent in Village of Fort Edward’s workplaces, no organization is immune.

The purpose of this policy is to address the issue of potential workplace violence, prevent workplace violence from occurring to the fullest extent possible, and set forth procedures to be followed when such violence has occurred

**II. Scope**

All Village employees, elected Village Officials, vendors, contractors, consultants, and others, who do business with the Village, whether in a Village facility or where official Village business is conducted, are covered by this policy. This policy also applies to other persons not affiliated with the Village, such as former employees and visitors. When employees have complaints about other employees, they should contact their immediate supervisor. If the complaint involves their immediate supervisor they should contact their department head and/or the Village Mayor.

**III. Zero tolerance**

Violence, threats of violence, intimidation, harassment, coercion, or other threatening behavior towards people or property will not be tolerated. Complaints involving workplace violence or harassment will not be ignored and will be given the serious attention they deserve. Individuals who violate this policy may be removed from Village property and employees may be subject to disciplinary action up to and including termination, consistent with Village policies, rules and collective bargaining agreements, and/or referral to law enforcement authorities for criminal prosecution.

**IV. Definitions**

**Workplace violence** is any behavior that is violent, threatens violence, coerces, harasses or intimidates others, interferes with an individual’s legal rights of movement or expression, or disrupts the workplace, or the Village’s ability to provide services to the public. Examples of workplace violence include, but are not limited to:

- Disruptive behavior intended to disturb, interfere with or prevent normal work activities (such as yelling, using profanity, verbally abusing others, or waving arms and fists).
- Intentional physical contact for the purpose of causing harm (such as slapping, stabbing, punching, striking, shoving, or other physical attack)
- Menacing or threatening behavior (such as throwing objects, pounding on a desk or door, damaging property, stalking, or otherwise acting aggressively; or making oral or written statements specifically intended to frighten, coerce, or threaten) where a reasonable person would interrupt such behavior as constituting evidence of intent to cause harm to individuals or property.
- Stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.
- Possessing a weapon on Village premises or in a Village vehicle as further defined (See VI. below).

**Authorized Employee Representative** is an employee authorized by the employees or the designated representative of an employee organization recognized or certified to represent the employees pursuant to Article 14 of the Civil Service Law.

**V. Workplace Risk Evaluation**

The Village, with the participation of the authorized employee representatives, has conducted

evaluations of all departments and, subject to re-evaluation within 12 months hereafter, the Village determines that the following are some of the factors or situations in Village workplaces that might place employees at risk of occupational assaults and homicides:

- a. Employees working late night or early morning hours;
- b. Employees exchanging money with the public;
- c. Employees working alone or in small numbers;
- d. Uncontrolled access to the workplace;
- e. Areas of previous security problems;
- f. Working in public settings;
- g. Working in isolated work areas;
- h. Working with clients or persons with a known history of violent behavior or behavior disorders.

## **VI. Workplace security measures**

In an effort to fulfill this commitment to a safe work environment for employees, customers, and visitors, a few simple rules have been created. These are:

- No weapons are permitted on Village occupied/owned buildings or vehicles, (See VI. below).
- Access to the Village's property before/after normal work hours will be subject to such security procedures as will be developed by Village management for each Village building or worksite. Such security procedures may include requiring sign in/sign out sheets for all persons entering or leaving the building after normal work hours. Additionally, any employee working other than his or her normal hours must inform a supervisor prior to doing so.
- Internal office entrance doors will be locked before/after normal work hours.
- Installation of surveillance equipment and/or alarm systems will install where deemed necessary and appropriate based upon an evaluation of Village-owned buildings and premises.
- All individuals who apply for or obtain a protective or restraining order which lists the Village locations as protected areas must provide a copy of the petition used to obtain the order, as well as a copy of the protective or restraining order which was granted, to their immediate supervisor or the designated representative(s) listed below.
- Workplace Violence Response Procedures specific to work areas detailing appropriate action and contact information will be posted and circulated
- Village management and Authorized Employee Representative will conduct periodic reviews of the security measures involving use of Village premises

## **VII. All weapons banned**

The Village of Fort Edward specifically prohibits any employee from bearing or having in his or her possession, either openly or concealed, any firearm, gun explosive device or substance, lethal or debilitating chemical or gas, or any dangerous or deadly weapon or instrument of any description, including, but not limited to a handgun, pistol, target pistol, revolver, rifle, shotgun, dangerous knife, dagger, dirk, razor; stiletto, imitation pistol or other items defined by the Penal Law of the State of New York, while entering into or while being present in any building and/or vehicles owned, leased or operated by or for the Village of Fort Edward.

This ban includes keeping or transporting a weapon in a vehicle in a parking area, whether public or private. Employees are also prohibited from carrying a weapon while performing services off the Village's business premises.

This policy shall not apply to any authorized peace officer or police officer, as defined in the New York State Criminal Procedure Law, or any authorized official of the Village, State, or Federal Government. This exemption being limited, however; to such times when the official duties of such an authorized officer or official cause him or her to be present in any building owned, leased or occupied by the Village of Fort Edward.

Employees who violate this policy shall be subject to disciplinary action, up to and including termination.

## **VIII. Education & Training**

The Village is responsible for the dissemination and enforcement of this policy as described herein, as well as for providing opportunities for training in the prevention and awareness of workplace violence. A copy of this Workplace Violence Program and/or an incident report form will be made available to all Village employees by contacting Village Mayor's Office. As part of its commitment to preventing workplace violence, the Village has established training programs for all employees. All employees will be required to attend this training at least once each year. All new employees will receive training as part of their new employee orientation training.

## **IX. Inspections**

Desks, telephones, computers, fax machines, and mail systems, including e-mail are the property of the Village and are intended for business use only. Employees are reminded that they have no expectation of / or right to privacy in connection with any of these systems.

Management reserves the right to enter or inspect your work area including, but not limited to, desks, computers, hard drives, e-mails, computer storage disks and storage media of whatever form or format, with or without notice.

Any private conversations overheard or private messages retrieved that constitute threats against other individuals can and will be grounds for disciplinary action.

## **X. Reporting of incidents**

### **1. General Reporting Responsibilities**

Incidents of workplace violence, threats of workplace violence, or observations of workplace violence are not to be ignored by any Village employee or elected official, Workplace violence should promptly be reported using the threat summary form to be made available to each department head Additionally, Village

employees and elected officials are encouraged to report behavior that they reasonably believe poses a potential for workplace violence as defined in Section IV. It is important that all employees and elected officials take this responsibility seriously to effectively maintain a safe working environment

#### 2. Imminent or Actual Violence

Any person experiencing or witnessing imminent danger or actual violence involving weapons or personal injury should call 911 immediately!

#### 3. Commitment of a Crime

All individuals who believe a crime has been committed against them have the right, and are encouraged, to report the incident to the appropriate law enforcement agency

#### 4. Sexual Harassment

Employees who have complaints of sexual harassment by anyone at work, including any supervisors, co-employees, or visitors, are urged to report such conduct so that the Town may investigate and resolve the problem. Employees may bring such matters to the direct attention of their supervisor, or directly to the Village Mayor. (See, Anti-Harassment Policy for further information.)

#### 5. False Reports

Employees and elected officials who make false and malicious complaints of workplace violence or sexual harassment, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action and/or referral to law enforcement authorities as appropriate

### **XI. Incident management**

In the event of a major workplace incident that affects, or has the potential to affect, the mental health of our workforce, we will provide initial counseling and support services to you and your immediate family members.

As the crisis passes and support systems are put into place for individuals affected by the incident, the Village will make every effort to return to normal business operations. A reasonable effort will be made to notify employees, customers, clients, and others who need to know of the status of business operations will be made to communicate through the news media and other available resources.

### **XII. Reports to the Department of Labor**

Any employee or representative of employees who believes that a serious violation of a workplace violence protection program exists or that an imminent danger exists shall bring such matter to the attention of the employee's department head and/or the Village Mayor in the form of a written notice and shall afford the Village a reasonable opportunity to correct such activity, policy or practice.

If following a referral of such matter to the employee's department head and/or the Village Mayor's attention and after a reasonable opportunity to correct such activity, policy or practice the matter has not been resolved and the employee or representative of employees still believes that a violation of a workplace violence prevention program remains, or that an imminent danger exists, such employee or representative of employees may request an inspection by the Department of Labor by giving notice to the Commissioner of Labor of such violation or danger in writing and in accordance with the Commissioner's rules and regulations regarding such requests.

### **XIII. No Retaliation**

The Village of Fort Edward strictly prohibits retaliation in any form against any employee who has (1) reported an alleged serious violation to a supervisor; (2) requested an inspection by the Department of Labor officials; or (3) accompanied the Department of Labor officials during the inspection. In addition, it is the responsibility of the Village of Fort Edward to take appropriate disciplinary action against any employee or official whose actions are retaliatory in nature.

ALL AYES

Motion by Trustee Williams seconded by Trustee Forte to adopt **Resolution # 11**, which states:

#### **REQUEST TO UPDATE SUBMISSION DATES FOR SITE PLAN REVIEW AND SUBDIVISION OF LAND**

**WHEREAS**, at the annual reorganization meeting of Village Board of Trustees, the Board established the monthly meeting date for the Planning Board to be the third Monday of each month at 6:30 pm; and

**WHEREAS**, the Planning Board has reviewed the submission requirements for site plan and subdivision applications relative to the number of copies to be submitted and the date by which the submission must be received; and

**WHEREAS**, the Planning Board acknowledges that it is imperative to receive pertinent information in a timely manner to allow for a comprehensive review by involved parties; and

**WHEREAS**, the Planning Board respectively asks the Village Board of Trustees to update the following sections of village code:

- Chapter 77, Article III, 77-13 (Subdivision of Land)  
*“Any owner of land shall, prior to subdividing or resubdividing land, submit to the Chairman of the Planning Board by **the first day of the month** prior to the regular meeting of the Board **eight (8) copies** of a sketch plan of the proposed subdivision, which shall comply with requirements of Article VIII, Design Standards.*

- Chapter 77, Article V, 77-20 (Subdivision of Land)  
*Eight (8) copies of the preliminary plat shall be presented to the Chairman of the Planning Board by the first day of the month prior to a regular monthly meeting of the Planning Board.*
- Chapter 77, Article V, 77-23 (Subdivision of Land)  
*“The time of submission of the preliminary plat shall be considered to be the date of the regular monthly meeting of the Planning Board, by the first day of the month, prior to which the application for conditional approval....”*
- Chapter 77, Article V, 77-28 (Subdivision of Land)  
*“...of all construction drawings by the first day of the month prior to the regular monthly meeting at which it is to be officially submitted.*
- Chapter 77, Article VI, 77-29 (Subdivision of Land)  
*“The time of submission of the plat shall be considered to be the date of the regular monthly meeting of the Planning Board, by the first day of the month, prior to which the application for approval....”*
- Chapter 100, Article III-A, 3 (Site Plan Review)  
*“The application shall be submitted to the Village Clerk by the first day of the month prior to the regularly scheduled meeting...”*
- Chapter 100, Article III-A, 4(a) (Site Plan Review)  
*“Site Map. Eight copies of the plat are to be filed with the Village Clerk.*

**NOW THEREFORE BE IT RESOLVED**, that the Planning Board hereby requests the Village Board of Trustees amend specific sections of village code as outlined above.  
ALL AYES

Motion by Trustee Boucher seconded by Trustee DeVoe to adopt Resolution #12, which states:

**WHEREAS, the Fort Edward Village Board does hereby amend the 2008-2009 Village Budget as follows:**

**GENERAL FUND**

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>	<u>AMOUNT</u>
A1110.2	867.02	A1010.1	.16
A1910.4	6242.37	A1110.1	1455.33
A5110.1	17572.68	A1110.4	235.03
A1990.4	10000.00	A1325.4	8278.92
A3120.2	9775.83	A1420.4	4799.79
A3620.1	6394.50	A3120.1	14279.12
A5410.4	4214.30	A3120.4	7165.56
A7140.4	4755.53	A5010.1	.20
A9030.8	6205.82	A5110.4	23803.59
A9060.8	10633.74	A5112.2	10562.00
		A7510.1	.04
		A8010.4	72.00
		A8510.4	723.88
		A9730.7	5286.17
		<u>76661.79</u>	<u>76661.79</u>

**ALL AYES**

Motion by Trustee DeVoe seconded by Trustee Forte to adopt Resolution #13, which states:

**EXEMPTION OF MATTERS OF LOCAL CONCERN FROM**

## COUNTY PLANNING REVIEW

WHEREAS, the Washington County Planning Board was created by the Washington County Board of Supervisors as provided by Article 12B of the General Municipal Law; and

WHEREAS, the provisions of General Municipal Law Article B, Section 2391 and m (GML 239) require local municipal bodies in Washington County to submit certain planning and zoning actions to the Washington County Planning Board for said Board's review and recommendation unless excepted by an agreement approved by the municipal body; and the County Planning Board that such matter is of a local rather than an inter-municipal or county-wide concern; and

WHEREAS, it is in the interest of the County and local municipal bodies for a local municipal body to be able to take action on matters of local concern without being bound by the referral requirements of GML 239; and

WHEREAS, having such an agreement for exception of matters which are not of an inter-municipal or county-wide concern is not detrimental to the County or the Village of Fort Edward Village Board; and

WHEREAS, the Washington County Planning Board has established a process for exempting matters and actions of local concern from the referral requirements of GML 239; now, therefore, be it

RESOLVED, that the attached agreement entitles "*Exemption of Matters of Local Concern from County Planning Review Agreement*" shall exempt actions of local concern from the referral requirements of GML 239 shall exist between the County Planning Board and the Village of Fort Edward Village Board; and be it further

RESOLVED, that said agreement should apply to zoning reviews and actions of the Village of Fort Edward Village Board; and be it further

RESOLVED, that a copy of this resolution with the attached agreement shall be provided to the Washington County Planning Board;

RESOLVED, that this agreement shall take effect immediately.

ALL AYES

Motion by Trustee Boucher seconded by Trustee Williams to adopt Resolution #14 which states:

### RESOLUTION REPEALING LOCAL LAW 3 OF 1995 WHICH DETAILS THE CONTROL OF DOGS IN THE VILLAGE OF FORT EDWARD

WHEREAS, the Village of Fort Edward enacted Local Law No. 3 of 1995, as it may have been amended, providing for the control of dogs and animals in the Village of Fort Edward (the "Village"); and

WHEREAS, it is the intention of the Village repeal Village Local Law No. 3 of 1995, as amended, and now known as Chapter 39 of the Village Code and adopt a new local law providing for only the control of dogs in the Village; and

WHEREAS, a proposed local law repealing Local Law No. 3 of 1995, as amended, has been prepared.

#### **NOW, THEREFORE BE IT RESOLVED THAT:**

Section 1. The proposed local law repealing Local Law No. 3 of 1995, as amended, and now known as Chapter 39 of the Village Code is hereby introduced. A public hearing shall be noticed and held by the Board of Trustees on September 8, 2009 at 7:00 p.m to consider the proposed local law.

Section 2. This resolution shall take effect immediately.

ALL AYES

Motion by Trustee DeVoe seconded by Trustee Boucher to adopt Resolution #15, which states:

### RESOLUTION INTRODUCING PROPOSED LOCAL LAW PROVIDING FOR THE CONTROL OF DOGS IN THE VILLAGE OF FORT EDWARD

WHEREAS, in order to promote public health, safety and welfare of the community in the Village of Fort Edward (the "Village"), the Village has determined that it is in the public interest to enact a local law to regulate and control the activities of dogs within the Village and to provide for the enforcement thereof; and

WHEREAS, the proposed local law providing for the control of dogs in the Village of Fort Edward has been prepared.

#### **NOW, THEREFORE BE IT RESOLVED THAT:**

**Section 1.** The proposed local law providing for the control of dogs in the Village of Fort Edward is hereby accepted for introduction to the Board of Trustees.

**Section 2.** A public hearing shall be scheduled for the consideration of this proposed local law to be held by the Board of Trustees on September 8, 2009 at 7:00PM.

**Section 3.** This resolution shall take effect immediately.

**ALL AYES**

Motion by Trustee Boucher seconded by Trustee Williams to adopt **Resolution #16**, which states:

**WHEREAS, the Fort Edward Village Board does hereby accept the resignation of Dan Collier effective July 23, 2009.**

**ALL AYES**

Motion by Trustee Williams seconded by Trustee DeVoe to adopt **Resolution #17**, which states:

**WHEREAS, the Fort Edward Village Board does hereby authorize the issuance of a Bond Anticipation Note not to exceed \$120,000.00 for the purchase of a Backhoe and Utility Truck.**

**The BAN interest rate to be determined by Glens Falls National Bank.**

**ALL AYES**

Motion by Trustee DeVoe seconded by Trustee Forte to adopt **Resolution #18**, which states:

**WHEREAS, the Fort Edward Village Board does hereby authorize the Mayor to sign a contract with Washington County for the purchase of 12 Canal Street in the Village of Fort Edward for \$5000.00.**

**ALL AYES**

Jim Thatcher – Avalon Associates – approached the board in regard to a situation with the 2007 CDBG Grant.

The grant will be closing in October 2009 and all monies have been allocated.

Case # 07-030 – because of the issues in the home the CD Board is recommending to the Village Board that they waive the \$25,000 grant limit on a case-by-case basis in order to complete this project in accordance with the Guidelines and Procedures regarding code compliance and health and safety standards, at the \$28,268 project cost figure (\$3268 above \$25,000).

A discussion by board members regarding changing the rules.

Motion by Trustee DeVoe seconded by Trustee Boucher to adopt **Resolution # 19**, which states:

**WHEREAS, the Fort Edward Village Board does hereby increase the \$25,000 grant allotment per household to \$28,268. to complete Project 07-030 of the 2007 CDBG Grant in accordance with the Guidelines and Procedures regarding code compliance and health and safety standards.**

**ALL AYES**

The other issue for the Village Board to discuss is Case #07-028 - The facts are that this will be the last case funded under the 2007 CDBG grant, which must be completed by October 2009. After approval of Case #07-030, there will be a balance of between \$3000. and \$7000. in the 2007 grant program that can be allocated to this project, leaving an estimated need of \$15,000 to \$20,000 from the Village's Loan Repayment Fund. An acceptable use of those loan repayments is to fund additional rehabilitation projects when no current grant funds are available.

After a lengthy discussion amongst the board members a decision was made to wait to see what the bids are when they are opened on Friday, August 7, 2009. The CD Board will meet and give their recommendation to the Village Board.

Jim Thatcher – Avalon Associates - Gave the board an update on the Shared Services Grant. The Grant will be over in March 2010.  
Mayor Traver said that K. Stimpson would be meeting with the engineers for site preparation.

Trustee DeVoe told the board that Jim Thatcher has contacted Birchwood Archeological in regard to the crock that was found when excavating for the Water Line under the River.  
Birchwood told Jim that they would return the crock to the Village.

Mayor Traver told the board that the final walkthrough with the State for the East Street Grant will be on Tuesday, August 11, 2009 at 8:30AM.

Mayor Traver asked Trustee DeVoe about the issue with the Train Station. Trustee DeVoe told the board that the County Fire Inspector has contacted the LDC in regard to some issues. Trustee DeVoe told the board that all issues are in order.

Mayor Traver told the board that there would be a public hearing for the Irving Tissue Construction Project on August 24, 2009 at 10:00AM at Village & Town Hall. Irving Tissue is asking the Warren Washington Industrial Development Agency to provide financial assistance for their Construction Project.

The request is:

- i) the acquisition of an interest in a certain parcel of land located on 1 Eddy Street.
- ii) The demolition of nine (9) buildings and to construct three (3) buildings for pulp storage, paper machine and paper roll storage.
- iii) The acquisition and installation therein of certain equipment comprising fixtures to be used in connection with the contemplated uses.
- iv) The leasing of the Project Facility to the Company.

The IDA may be providing financial assistance with respect to the Project in the form of sales tax exemptions related to the construction and equipping of the Project Facility, mortgage tax exemption and an enhanced payment in lieu of taxes, which are consistent with the policies of the IDA.

Attorney Fuller told the board he would contact the IDA for a copy of the proposed request.

Mayor Traver told the board that he has met with the Highway Supt. in regard to the CHIPS monies for 2009-2010. The Village total is \$59,125.61.  
The village used approximately \$25,000 for the finishing of East Street.  
Highway Supt. Stimpson would like to address the sidewalk on Notre Dame Street near Canal Street. The sidewalk is very dangerous with loose sections.

Mayor Traver told the board that the Idle Hour Club has received the paperwork for the annexation into the village but has not acted on it yet.

Motion by Trustee Williams seconded by Trustee Boucher to adjourn into executive session to discuss a personnel issue at 9:23PM.

**ALL AYES**

Motion by Trustee DeVoe seconded by Trustee Williams to adjourn executive session and resume the regular meeting at 10:03PM.

**ALL AYES**

Motion by Trustee Boucher seconded by Trustee DeVoe to adjourn the regular meeting at 10:04PM.

**ALL AYES**

**Dated – August 4, 2009**

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**Patricia Ives, Clerk**

