

FORT EDWARD VILLAGE BOARD REGULAR MEETING OF DECEMBER 7, 2009

MAYOR TRAVER CALLED MEETING TO ORDER AT 7:00PM.

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

ALSO PRESENT: Clerk Ives, Attorney Fuller, Highway Supt. Stimpson, Sgt. Derway, Code Enforcement Officer Armando.

OTHERS PRESENT: Michael Squires, Jim Thatcher, and Avalon Associates.

Motion by Trustee DeVoe seconded by Trustee Forte to approve the minutes of the following meetings:

DPW Workshop of November 2, 2009
Regular Meeting of November 2, 2009

ALL AYES

Trustee Williams asked Code Enforcement Officer Armando about the proposed building behind the old Dew Drop Inn Building.

Code Enforcement Officer Armando said that they have gone in front of the Planning Board and was the only issue is a dedicated entrance to the lot behind the DDI building. Code Enforcement Officer said the dedicated ingress and egress has been established and emergency vehicles have plenty of room.

Trustee DeVoe asked Sgt. Derway about the numerous entries on the Police Report in regard to 40 McIntyre Street.

Sgt. Derway said that most of the problems are with one tenant and the landlord is dealing with this issue.

Mayor Traver asked about the status of 175 Broadway – Code Enforcement Officer said that they appeared in Village Court on a warrant and will reappear on December 17, 2009.

Attorney Fuller said that someone from his office would be attending the court session because this is in violation of Village Code.

Mayor Traver told the board about the water breaks which occurred recently on Thornwood Drive.

Monies need to be set-aside in the new budget to replace this water line.

Mayor Traver asked Highway Supt. Stimpson about the progress on repairing the wall at the aqueduct. Highway Supt. Stimpson said that he would be contacting former Highway Supt. Robert Dickinson to work on the project soon.

Motion by Trustee Boucher seconded by Trustee Williams to approve the reports from the following departments:

Clerk-Treasurer, Village Justice, Police Chief,
Water Supt., Highway Supt., Code Enforcement
Officer, Planning Board Minutes (October 2009),
Zoning Board of Appeals (September 2009)

ALL AYES

Motion by Trustee Williams seconded by Trustee DeVoe to adopt **Resolution #46**, which states:

RESOLUTION AUTHORIZING A CONTRACT WITH AVALON ASSOCIATES, INC. FOR PREPARATION OF AN APPLICATION FOR 2010 NEW YORK STATE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING

RESOLVED, the Mayor is authorized to execute a contract with Avalon Associates, Inc., Community Development Consultants, for preparation of an application for federal grant funding and administrative services required to complete all activities under the 2010 New York State Community Development Block Grant (CDBG)

Program. Compensation for those services will be limited to the reimbursement of direct expenses for the preparation of the CDBG application, where applicable.

ALL AYES

Motion by Trustee Boucher seconded by Trustee Forte to adopt **Resolution #47**, which states:

WHEREAS, Raymond Lacque, former Water Superintendent for the Village of Fort Edward, retired in June 2008,

WHEREAS, the Fort Edward Village Board is using Mr. Lacque on an as needed basis at the rate of \$125.00 per day for weekend and holiday duty and \$23.40 per hour for other work performed.

ALL AYES

Motion by Trustee DeVoe seconded by Trustee Williams to adopt **Resolution #48**, which states:

WHEREAS, the Fort Edward Village Board does hereby authorize the Mayor to enter into an agreement with Standard Medical Services for random Drug and Alcohol testing of all Motor Equipment Operators who work for the Village of Fort Edward.

WHEREAS, this agreement shall be in effect beginning January 1, 2010 through December 31, 2010 and may be cancelled by either party after thirty (30) days of written notification.

ALL AYES

Motion by Trustee Boucher seconded by Trustee Forte to adopt **Resolution #49** which states:

WHEREAS, the Fort Edward Village Board does hereby accept the resignation of Patrick Suprenant as a member of the Village of Fort Edward Planning Board effective immediately.

ALL AYES

Mayor Traver said that he has spoken to the alternate Larry Moffitt and he will fill in.

Motion by Trustee DeVoe seconded by Trustee Williams to adopt **Resolution #50** which states:

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF FORT EDWARD ELECTING DIRECT PAYMENT OF WASHINGTON COUNTY SALES AND COMPENSATING USE TAX ALLOCATION

WHEREAS, Washington County imposes sales and compensating use taxes pursuant to section 1210 of the Tax Law of the State of New York; and

WHEREAS, Washington County has elected to allocate a portion of the net collections from its sales and use taxes to the towns in the county; and

WHEREAS, section 1262 © of the New York Tax Law authorizes a village to elect to be paid its share of the county's allocation directly, in lieu of reduction of county taxes and general town taxes levied upon real property in such village, the amount to be paid to such village to be determined by the ratio that the full valuation of real property in the village or portion thereof within the town in which such village is located bears to the full valuation of real property in the entire town; and

WHEREAS, the Board of Trustees now desires to make such election;

NOW, THEREFORE, BE IT RESOLVED, that the Village of Fort Edward hereby elects to be paid directly its portion of Washington County's sales and compensating use tax net collection, for calendar year 2011 and thereafter, and

BE IT FURTHER RESOLVED, that, pursuant to such section 1262 © of the Tax Law, a copy of this resolution shall immediately be mailed by registered or certified mail to the chief fiscal officer of Washington County and to the Clerk of Washington County Board of Supervisors before September 1, 2010, for this election to take effect January 1, 2011; and

BE IT FURTHER RESOLVED, that this resolution shall remain in effect until rescinded by the Village of Fort Edward Village Board of Trustees in accordance with the notice provisions of such section 1262 © of the Tax Law; and

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

ALL AYES

Motion by Trustee Williams seconded by Trustee Boucher to adopt **Resolution # 51**, which states:

WHEREAS, the 2007 CDBG grant is finishing and with the monies left Avalon Associates added and additional grant for the Michael Glass property located at 37 Broadway, and

WHEREAS, Resolution #34, in September 2009, authorized \$10000.00 to be paid from the HUD Repayment Fund toward the rehabilitation work to be done on the Michael Glass Property located at 37 Broadway, and

BE IT RESOLVED, the Fort Edward Village Board does hereby authorize the payment of an additional amount of \$6096.32 to be paid from the HUD Repayment Account for the grant for Michael Glass.

ALL AYES

Motion by Trustee Boucher seconded by Trustee DeVoe to authorize the Clerk-Treasurer to pay the following abstracts:

GENERAL FUND -	\$92854.28
WATER FUND -	10384.70
AIR STRIPPER FUND -	4855.53
PAID BEFORE AUDIT	
GENERAL FUND -	2079.95
WATER FUND -	3077.86
2007 CDBG -	13442.26
SHARED SERVICES -	40.50
HUD REPAYMENT -	1497.02
ROURKE -	135.00

ALL AYES

A discussion was held between the board members and the Village Attorney in regard to a breach of contract between the Village and National Grid. Attorney Fuller said he would send a letter to John Murphy regarding it.

Code Enforcement Officer Armando informed the board that ESMI has broke ground on their new office facility.

Mayor Traver asked Attorney Fuller about the foreclosure on the former Stone Cast Building located on Towpath Road.

Attorney full that the current owner had filed a Chapter 11 Bankruptcy, therefore, the building will have to wait a period of six (6) months before it can be foreclosed on.

Attorney Fuller commented to the board about the DIEHL Subdivision located adjacent to the Village of Fort Edward Watershed in the Town of Moreau.

The subdivision came in front of the Village Board back in 2005. Mr. Diehl passed away and the family is now carrying on the project. In order to pursue the subdivision, which includes wetlands that ultimately are part of the Village's watershed property, the Army Corps is requiring that they provide a 25-foot buffer conservation easement to protect the Village's watershed.

Attorney Fuller told the attorney for the Diehl family that he would not incur any expenses to the Village until the board had discussed the subdivision.

Attorney Fuller is not aware if the subdivision has changed since 2005.

Attorney Fuller said that the Village does not have a conservation easement in place at the present time.

The board told Attorney Fuller that the Village is not interested at the present time.

Mayor Traver asked Attorney Fuller about the progress on Rogers Island.

Attorney Fuller said that he has spoken with Carl Dworkin and he feels that Nastasi wouldn't stand in the way of the annexation.

Also he told Mr. Dworkin that the Village & Town is keenly interested in the pursuit of the transaction with the State. Mr. Nastasi is open to that transaction.

Mayor Traver will contact Neal Orsini to see if he may have a copy of the survey, which was done, on the island. This could be used for the annexation purposes.

A letter needs to be written to the Canal Corp in regard to the Village and Town of Fort Edward purchasing their property on Rogers Island. The Canal Corp is in agreement with the sale.

Mayor Traver told the board about the Inner Agency Work Group he and Trustee DeVoe attended this week.

Neal Orsini told the board that the monies for the island purchase is still in the budget and hoping that this may go through by next March.

Also, the EPA is requiring General Electric to do some remediation in the Flood Plan area on Rogers Island.

Trustee Williams thanked Trustee DeVoe for all her hard work on the Rogers Island Visioning Group. Everyone seems to be getting along and the meetings are very productive. Mayor Traver said that Town Councilman Neal Orsini has been a huge part of the Rogers Island Visioning Grant.

The Village Board presented Trustee DeVoe with a Certificate of Appreciation plaque thanking he husband, Adam DeVoe for all his talent and time in painting the mural located on Broadway in the Village of Fort Edward.

DPW GARAGE-

The board decided to move ahead with the development of contract documents. Attorney Fuller has had a discussion with Vision Engineering in regard incurring any additional costs not approved by the Village Board.

Attorney Fuller told the board that it is important that the bid documents should be done in phases.

All documents must be done by January 31, 2010 and out to bid in February.

Discussion was held regarding the tap on the Irwin Property located on Reservoir Road in the Town of Moreau.

Attorney Fuller said that he would contact Ms. Irwin's attorney.

Motion by Trustee Boucher seconded by Trustee Forte to adjourn into executive session to discuss legal and personnel matters at 8:06PM.

ALL AYES

Motion by Trustee DeVoe seconded by Trustee Williams to adjourn executive session at 9:10PM.

ALL AYES

At this time the Village Board has made a decision to lay-off Richard Wilkens, Jr. due to budget restraints.

If needed the Highway Supt. may call him in when needed.

Motion by Trustee Boucher seconded by Trustee Forte to adjourn meeting at 9:12PM.

ALL AYES

Dated – December 8, 2009

Patricia Ives, Clerk