

**FORT EDWARD VILLAGE BOARD MEETING OF SEPTEMBER 8, 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, Code Enforcement Officer Armando, and Sgt. Derway.

**OTHERS PRESENT:** Jim Thatcher, Avalon Associates, Michael Glass, Alex Bodner, Jeanne Mullen, Helena Boucher, and Melissa Chester.

Motion by Trustee DeVoe Seconded by Trustee Williams to approve the following meeting minutes:

Regular Meeting of August 3, 2009

**ALL AYES**

Attorney Fuller told the board he had spoke with Paul Laudato on August 27. He indicated that the appraisal was done, and that the matter is now with their real estate division. He did note that the Environmental Protection Funds (EPF) has not been funded. This lack of funding applies to both the purchase, and the survey work. Thus, the survey has not yet even been ordered. So, this is going to be delayed for quite some time. I have a call in to Betty Little's office and we will see what we can do to move this forward.

Mayor Traver told the board that he and Town Supervisor Suprenant walked the settler's site and Neil Orsini property where the dredgers pulled a beam from the area of the old fort. Neil Orsini wants the two boards to sit down and decide what needs to be done in regard to litigation against the dredgers for the damage to the old fort and other items removed from the river.

Trustee DeVoe asked about the artifacts that have been removed from the river. She stated that there is nothing is writing that allows for the dredgers to remove the artifacts from Fort Edward.

Trustee DeVoe asked Code Enforcement Officer Armando about 61 Seminary Street – it seems to be showing up on his report every month. Why aren't citations being issued?

Mayor Traver asked Highway Supt. Stimpson about the new wall on Notre Dame Street. Their needs to be a temporary railing put in place until the new railing can be installed.

Trustee DeVoe asked Sgt. Derway about the issues at 17 Taylor Street. Sgt. Derway said that a guest of one of the tenants caused it.

Trustee DeVoe asked about the spike in water usage on August 25<sup>th</sup>. Highway Supt Stimpson told the board that it was caused by ESMI.

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

**Clerk-Treasurer, Water Superintendent, Village Justice, Police Chief, Planning Board July, 2009, Zoning Board of Appeals July, 2009, Street Supt., Code Enforcement Officer.**

**ALL AYES**

Motion by Trustee DeVoe seconded by Trustee Boucher to approve the abstracts for the following funds:

<b>General Fund –</b>	<b>33948.15</b>
<b>Water Fund –</b>	<b>51431.04</b>
<b>Shared Services –</b>	<b>794.78</b>
<b>Paid Before Audit –</b>	
<b>General -</b>	<b>11961.21</b>
<b>Water -</b>	<b>3987.68</b>
<b>Air Stripper Fund -</b>	<b>4158.60</b>
<b>2007 CDBG -</b>	<b>37801.22</b>
<b>2005 HOME -</b>	<b>48052.50</b>

## **PUBLIC HEARING**

There was no public comment on the passing of Local Law 3-2009 and Local Law 4-2009.

Public Hearing closed.

Motion by Trustee Boucher seconded by Trustee Forte to adopt Resolution #20, which states:

### **RESOLUTION AUTHORIZING THE ADOPTION OF LOCAL LAW NO. 3 OF 2009 ENTITLED: A LOCAL LAW REPEALING LOCAL LAW NO. 3 OF 1995, AS AMENDED, AND NOW KNOWN AS CHAPTER 39 OF THE VILLAGE CODE PROVIDING FOR THE CONTROL OF DOGS AND OTHER ANIMALS IN THE VILLAGE OF FORT EDWARD**

**WHEREAS**, by Resolution No. 20 of 2009, duly adopted by the Board of Trustees, a public hearing was scheduled to be held before the Board of Trustees on September 8, 2009 at 7:00 p.m. at the Offices of the Village of Fort Edward to hear all interested parties on a proposed local law repealing Village Local Law No. 3 of 1995, as amended and now known as Chapter 39 of the Village Code; and

**WHEREAS**, notice of said public hearing was duly posted and then published in the official newspaper of the Village on August 10, 2009, pursuant to Municipal Home Rule Law; and

**WHEREAS**, said public hearing was duly held before the Board of Trustees on the 8th day of September, 2009 at 7:00 p.m. at the Offices of the Village of Fort Edward and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the proposed local law.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Trustees as follows:

**Section 1.** The Board of Trustees, upon due deliberation of the proposed local law finds that the adoption of the same is in the best interests of the Village.

**Section 2.** The local law entitled “A Local Law Repealing Local Law No. 3 of 1995, as amended, and now known as Chapter 39 of the Village Code Providing for the Control of Dogs and Other Animals in the Village of Fort Edward” is hereby adopted, a copy of which is attached hereto and made a part hereof.

**Section 3.** The consideration and proposed adoption of this Local Law is an action under the New York State Environmental Quality Review Act (SEQRA). The Board of Trustees hereby declares that this action is a Type II action pursuant to 6 NYCRR 617.5(20) and (27) and declares that the action does not have a significant impact on the environment and the action is hereby precluded from further environmental review.

**Section 4.** Pursuant to and in accordance with the Municipal Home Rule Law, the Village Clerk is hereby directed to enter Local Law 3 of 2009 into the minutes of this meeting and file the same with the Office of the Secretary of State of the State of New York.

**Section 5.** This resolution shall take effect immediately.

**ALL AYES**

Motion by Trustee DeVoe seconded by Trustee Williams to adopt **Resolution #21** which states:

**RESOLUTION AUTHORIZING THE ADOPTION OF LOCAL LAW NO. 4 OF 2009 ENTITLED: A LOCAL LAW PROVIDING FOR THE CONTROL OF DOGS IN THE VILLAGE OF FORT EDWARD**

**WHEREAS**, by Resolution No. 21 of 2009, duly adopted by the Board of Trustees, a public hearing was scheduled to be held before the Board of Trustees on September 8, 2009 at 7:00 p.m. at the Offices of the Village of Fort Edward to hear all interested parties on a proposed local law providing for the control of dogs in the Village of Fort Edward; and

**WHEREAS**, notice of said public hearing was duly posted and then published in the official newspaper of the Village on August 10, 2009, pursuant to Municipal Home Rule Law; and

**WHEREAS**, said public hearing was duly held before the Board of Trustees on the 8th day of September, 2009 at 7:00 p.m. at the Offices of the Village of Fort Edward and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the proposed local law.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Trustees as follows:

- Section 1.** The Board of Trustees, upon due deliberation of the proposed local law finds that the adoption of the same is in the best interests of the Village.
- Section 2.** The local law entitled "A Local Law Providing for the Control of Dogs in the Village of Fort Edward" is hereby adopted, a copy of which is attached hereto and made a part hereof.
- Section 3.** The consideration and proposed adoption of this Local Law is an action under the New York State Environmental Quality Review Act (SEQRA). The Board of Trustees hereby declares that this action is a Type II action pursuant to 6 NYCRR 617.5(20) and (27) and declares that the action does not have a significant impact on the environment and the action is hereby precluded from further environmental review.
- Section 4.** Pursuant to and in accordance with the Municipal Home Rule Law, the Village Clerk is hereby directed to enter Local Law 4 of 2009 into the minutes of this meeting and file the same with the Office of the Secretary of State of the State of New York.
- Section 5.** This resolution shall take effect immediately.

**ALL AYES**

Motion by Trustee DeVoe seconded by Trustee Boucher to adopt **Resolution #22** which states:

**WHEREAS**, a **Bond Anticipation Renewal Note** has been issued in the amount of \$114112.00 for the purchase of a **FORD F350 Dump Truck** and a **New Holland 95B Backhoe**.

**WHEREAS**, the note will be due and payable at **Glens Falls National Bank** at a rate of **2.50%**.

**ALL AYES**

Motion by Trustee Boucher seconded by Trustee Forte to adopt **Resolution #23** which states:

**WHEREAS**, the Fort Edward Village Board does hereby accept the resignation of Edward Nolan effective September 11, 2009.

**ALL AYES**

Motion by Trustee DeVoe Seconded by Trustee Boucher to adopt **Resolution #24** which states:

**WHEREAS**, the Fort Edward Village Board does hereby enter into an agreement

with the Washington County Department of Social Services for the Worksite Sponsor Agency Contract. This contract allows for Social Service clients to work for the Village of Fort Edward.

**ALL AYES**

Motion by Trustee Boucher seconded by Trustee Williams to approve a vending permit from US Energy Savings to go door to door in the Village to solicit an energy savings program for National Grid customers.

The Village Board approves the permit during the hours of 10:00AM and 4:00PM. Also, the solicitors must have an identification card on them at all times.

Another permit application was presented to the board from Michael Pickett to have a hot dog cart in the Village. The application states that a designated location must be named. The applicant named Angelina's Pizza as his location. The board will not approve this application unless a letter is received from Angelina Pizza stating that the applicant is permitted to vend in front of his business.

Motion by Trustee Williams seconded by Trustee Forte to adopt **Resolution #25, which** states:

**WHEREAS**, the Fort Edward Village Board does hereby appoint Joseph E. Hunt to the position of Part-Time Police Officer at the rate of \$12.00 effective September 8, 2009.

**ALL AYES**

Motion by Trustee Williams seconded by Trustee DeVoe to adopt **Resolution #26**, which states:

**WHEREAS**, the Fort Edward Village Board has advertised for a Crossing Guard position due to the resignation of Edward Phillips due to medical reasons.

**WHEREAS**, the Fort Edward Village Board does hereby authorize the Chief of Police to interview and appoint the Crossing Guard position no later than Friday, September 18, 2009.

**ALL AYES**

Motion by Trustee Boucher seconded by Trustee DeVoe to adopt **Resolution #27**, which states:

**WHEREAS**, the Village of Fort Edward enacted Local Law No. 1 of 2000, providing for the maintenance of brush, grass and weeds in the Village of Fort Edward (the "Village"); and

**WHEREAS**, it is the intention of the Village repeal Village Local Law No. 1 of 2000, and now known as Chapter 26 of the Village Code and adopt a new local law providing for the maintenance of brush, grass and weeds in the Village; and

**WHEREAS**, a proposed local law repealing Local Law No. 1 of 2000 has been prepared.

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

Section 1. The proposed local law repealing Local Law No. 1 of 2000 and now known as Chapter 26 of the Village Code is hereby introduced. A public hearing shall be noticed and held by the Board of Trustees on October 5, 2009 at 6:30 p.m to consider the proposed local law.

Section 2. This resolution shall take effect immediately.

**ALL AYES**

Helena Boucher – 301 Andrew Lane spoke in regard to the Village asking residents to maintain their lawns when the Village's property needs mowing. Mayor Traver agreed with her and said the Village is looking to hire someone part time to mow for the Village.

A discussion was held about mowing in the village.

Motion by Trustee Williams seconded by Trustee Boucher to adopt **Resolution #28**, which states:

**RESOLUTION INTRODUCING PROPOSED LOCAL LAW CONCERNING THE MAINTENANCE OF BRUSH, GRASS AND WEEDS**

**WHEREAS**, pursuant to Section 10 of Municipal Home Rule Law and the Village Law of the State of New York, the Village Board of Trustees (the “Board”) of the Village of Fort Edward (the “Village”) has the authority to adopt local laws to protect the health, safety and welfare of its citizens; and

**WHEREAS**, the Board finds and determines that a provision concerning the maintenance by real property owners of brush, grass and weeds in the Village is necessary and proper for the health, safety and welfare of the citizens of the Village; and

**WHEREAS**, a proposed Local Law regulating the maintenance of brush, grass and weeds has been presented and is attached hereto.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Trustees of the Village of Fort Edward as follows:

**Section 1.** The proposed Local Law is hereby accepted for introduction to the Board of Trustees of the Village of Fort Edward. A public hearing shall be scheduled for the consideration of the proposed Local Law to be held by the Board of Trustees on October 5, 2009 at 6:30 p.m.

**Section 2.** The Village Clerk is directed to post and publish a notice of said public hearing in *The Post Star* at least five (5) days before the hearing.

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

**ALL AYES**

Motion by Trustee DeVoe seconded by Trustee Williams to adopt **Resolution #29**, which states:

**RESOLUTION INTRODUCING PROPOSED LOCAL LAW AMENDING CERTAIN PROVISIONS OF CHAPTER 77 OF THE CODE OF THE VILLAGE OF FORT EDWARD CONCERNING THE SUBDIVISION OF LAND**

**WHEREAS**, the Planning Board of the Village of Fort Edward (the “Village”) has determined that it is imperative to receive pertinent information in a timely manner to allow for a comprehensive review of the applications coming before the Planning Board and has requested, by Resolution dated May, 19, 2009, that the Board of Trustees of the Village of Fort Edward make such necessary changes to the existing Village of Fort Edward Land Subdivision Regulations, as adopted on October 6, 2003; and

**WHEREAS**, in order to promote public health, safety and welfare of the community in the Village of Fort Edward, the Village has determined that it is in the public interest to amend the existing Village of Fort Edward Land Subdivision Regulations, known as Chapter 77 of the Code of the Village with respect to submittals to the Planning Board; and

**WHEREAS**, the proposed local law amending certain provisions of Chapter 77 of the Code of the Village of Fort Edward has been prepared.

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

**Section 1.** The proposed local law amending certain provision of Chapter 77 of the Code of the Village of Fort Edward concerning the site plan review law 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 October 5, 2009 at 6:30 p.m.

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

**ALL AYES**

Motion by Trustee Williams seconded by Trustee DeVoe to adopt **Resolution #30**, which states:

**RESOLUTION INTRODUCING PROPOSED LOCAL LAW AMENDING CERTAIN PROVISIONS OF CHAPTER 100 OF THE CODE OF THE VILLAGE OF FORT EDWARD CONCERNING THE SITE PLAN REVIEW LAW**

**WHEREAS**, the Planning Board of the Village of Fort Edward (the “Village”) has determined that it is imperative to receive pertinent information in a timely manner to allow for a comprehensive review of the applications coming before the Planning Board and has requested, by Resolution dated May, 19, 2009, that the Board of Trustees of the Village of Fort Edward make such necessary changes to the existing Village of Fort Edward Site Plan Review Law set forth in Chapter 100 of the Village Code; and

**WHEREAS**, in order to promote public health, safety and welfare of the community in the Village of Fort Edward, the Village has determined that it is in the public interest to amend the existing Village of Fort Edward Site Plan Review Law, known as Chapter 100 of the Code of the Village with respect to submittals to the Planning Board; and

**WHEREAS**, the proposed local law amending certain provisions of Chapter 100 of the Code of the Village of Fort Edward has been prepared.

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

**Section 1.** The proposed local law amending certain provision of Chapter 100 of the Code of the Village of Fort Edward concerning the subdivision of land 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 October 5, 2009 at 6:30 p.m.

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

**ALL AYES**

Motion by Trustee Boucher seconded by Trustee Forte to adopt **Resolution #31**, which states:

**WHEREAS**, the Fort Edward Village Board approves the Wedding Request from Jennifer Hoag and Walter Stimpson III at the gazebo located off McIntyre Park on October 10, 2009. The village approves a wedding ceremony only.

**ALL AYES**

Letter from Don Walling to the Village Board regarding the Yacht Basin. Mr. Walling thanked the board for their considerate attention to the issues relevant to the community. Mr. Walling also enclosed a \$25.00 check for the use of the Yacht Basin.

Alex Bodner asked Trustee DeVoe about the status of the Hudson Headwater Building – Trustee DeVoe said that the bids are in for demolition – hopefully it will start next week.

Trustee Boucher asked a question about the “Nuisance Law” in regard to properties. Does this just for rental units or is it for all properties. Attorney Fuller said it is for all properties in the Village.

Jim Thatcher of Avalon Associates addressed the board in regard to the fact that the Village of Fort Edward was not awarded a 2009 CDBG grant. The village had put in for a grant to replace water lines in the village – approximately 5500 feet of lines, valves, and hydrants. The officials of CDBG said that the grant application was incomplete. Avalon Associates did a survey of every one in the target area – it was the interpretation of CDBG officials that it was inadequate. They wanted a better breakdown of income surveys throughout the target area. Mayor Traver told Jim Thatcher that he feels it is important to go to Albany to hear the reasons why the grant was denied.

Trustee DeVoe told those present that the Rogers Island Visioning Grant for the creations of a Master Plan for Rogers Island will meet September 29, 2009 from 7:00PM to 9:00PM.

**MOTION BY TRUSTEE DEVOE SECONDED BY TRUSTEE BOUCHER TO ADJOURN INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL ISSUES AT 8:30PM.**

MOTION BY TRUSTEE WILLIAMS SECONDED BY TRUSTEE DEVOE TO RESUME THE PUBLIC MEETING AT 9:11PM.

Motion by Trustee Williams seconded by Trustee Boucher to adopt **Resolution #32**, which states:

**WHEREAS, the Fort Edward Village Board does hereby appoint Todd Mallory to the position of Water Treatment Plant Operator Assistant at a rate of pay of \$15.00 per hour starting September 28, 2009. The following is a list of benefits available:**

- 1) **Employees hired after July 1, 2006 can accumulate up to 90 sick days and upon retirement, resignation, or layoff, any employee with a minimum of 15 years of full time service shall receive ½ of accumulated sick days.**
- 2) **Employees hired after July 1, 2006 will contribute 15% of the premium of health insurance. Employees not electing to take health insurance receive an additional \$1.00 per hour.**
- 3) **Employees not electing to take health insurance will receive \$500.00 medical/dental/eyeglass reimbursement per year.**
- 4) **Employees electing to take health insurance will receive \$750.00 medical/dental/eyeglass reimbursement per year.**
- 5) **Employees hired after July 1, 2006 will pay 100% of co pays.**
- 6) **Employees hired after July 1, 2006 will receive six (6) sick days per year.**
- 7) **Employees hired after July 1, 2006 will receive the following twelve (12) holiday:**

**NEW YEARS DAY  
MARTIN LUTHER KING DAY  
PRESIDENTS DAY  
GOOD FRIDAY  
MEMORIAL DAY  
INDEPENDENCE DAY  
LABOR DAY  
COLUMBUS DAY  
VERTERANS DAY  
THANKSGIVING DAY  
DAY AFTER THANKSGIVING  
CHRISTMAS DAY**

**Employees hired after July 1, 2006 will not receive “EMPLOYEES BIRTHDAY” as a holiday.**

- 8) **The vacation for full time employees hired after July 1, 2006 will be as follows:**

<b>1 Year of Service</b>	<b>-</b>	<b>1 week of vacation</b>
<b>2 Years of Service</b>	<b>-</b>	<b>2 weeks of vacation</b>
<b>7 Years of Service</b>	<b>-</b>	<b>3 weeks of vacation</b>
<b>12 Years of Service</b>	<b>-</b>	<b>4 weeks of vacation</b>

**ALL AYES**

Motion by Trustee Boucher seconded by Trustee Williams to adopt **Resolution #33**, which states:

**WHERAS, the Fort Edward Village Board does hereby appoint Jim Thatcher to the position of LABOR STANDARD COMPLIANCE OFFICER for the Village of Fort Edward, and**

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

**ALL AYES**

A discussion was held with Michael Glass – 37 Broadway – in regard to his grant application.

Motion by Trustee DeVoe seconded by Trustee Boucher to adopt **Resolution #34**, which states:

**WHEREAS**, it has come to the attention of the Fort Edward Village Board that the home located at 37 Broadway in the Village of Fort Edward owned by Michael Glass has severe electrical and lead abatement work and was to be considered to receive a rehabilitation grant through the 2007 CDBG Grant, and

**WHEREAS**, the total grant work for this property is \$15275.00 – The balance from the 2007 CDBG Grant is \$5275.00 leaving an amount due of \$10,000, and

**BE IT RESOLVED**, the Fort Edward Village Board does hereby authorize the Clerk-Treasurer to pay \$10,000 from the HUD Repayment Fund toward the rehabilitation work to be done on Michael Glass property located at 37 Broadway in the Village of Fort Edward.

**ALL AYES**

Motion by Trustee Williams seconded by Trustee Forte to adjourn meeting at 9:40PM.

**ALL AYES**

**Dated – September 9 2009**

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**Patricia Ives – Clerk**