

Village Board of Trustees
 Regular Meeting Monday,
 July 5, 2017 ¹

MAYOR TRAVER CALLED THE MEETING TO ORDER AT 7:00PM. AFTER ROLL CALL MAYOR TRAVER LED THOSE PRESENT IN THE PLEDGE OF ALLEGIANCE.

Roll Call	Trustee Williams	Trustee Carpenter	Trustee Conlon	Mayor Traver
Highway	Bryan Etu			
Police	Justin Derway			
Code	Dave Armando			
Attorney	Matthew F. Fuller			
Public	N/A			

MINUTES

A MOTION TO ACCEPT THE MONTHLY MEETING MINUTES FOR THE FOLLOWING DATES WAS MADE BY TRUSTEE WILLIAMS, SECONDED BY TRUSTEE CARPENTER.

Monthly VB Meeting June 5, 2017
 Special VB Meeting June 20, 2017
 Planning Board April 26, 2017

ALL AYES. MOTION CARRIED.

REPORTS

A MOTION TO ACCEPT THE FOLLOWING MONTHLY REPORTS WAS MADE BY TRUSTEE WILLIAMS, SECONDED BY TRUSTEE CARPENTER.

Clerk/Treasurer, Code Enforcement, Highway, Groundskeeper, Police Chief, Water Superintendent. Upon receipt from the Justice Court, the June monthly report will be forward via email to the board members.

ALL AYES. MOTION CARRIED.

RESOLUTIONS

RESOLUTION #17 OF 2017-2018

APPOINTMENT OF JUSTICE COURT CLERK

MOTION BY TRUSTEE CARPENTER, SECONDED BY TRUSTEE WILLIAMS, WHICH STATES:

WHEREAS, the Fort Edward Village Board does hereby appoint Michelle Hurlburt to the full time position of Justice Court Clerk at a rate of pay of \$14.00/hour, effective July 1, 2017.

ALL AYES. MOTION CARRIED.

RESOLUTION #18 OF 2017-2018

FACILITY USE PERMIT FOR WASHINGTON COUNTY ON BEHALF OF THE COUNTY WIC PROGRAM

MOTION BY TRUSTEE CARPENTER, SECONDED BY TRUSTEE WILLIAMS, WHICH STATES:

WHEREAS, the Village Board has reviewed the Facility Use Permit application and supporting documentation submitted by Patricia Rozell from Washington County on behalf of the WIC program; and

NOW THEREFORE BE IT RESOLVED, the Village Board of Trustees does hereby authorize the Washington County WIC program to hold a picnic at Mullen Park on Wednesday, July 12, 2017 from 11:00-1:00pm.

ALL AYES. MOTION CARRIED.

RESOLUTION #19 OF 2017-2018

RESOLUTION AMENDING CHAPTER 100 OF THE CODE OF THE VILLAGE OF FORT EDWARD

MOTION BY TRUSTEE WILLIAMS, SECONDED BY TRUSTEE CARPENTER, WHICH STATES:

WHEREAS, pursuant to Section 10 of Municipal Home Rule Law and Article 7 of the Village Law of the State of New York, the Board of Trustees (the "Board") of the Village of Fort Edward (the "Village") has the authority to adopt local laws amending the Zoning Law of the Village of Fort Edward found at Chapter 100 of the Code of the Village of Fort Edward; and

WHEREAS, the Board has the power to amend and replace the Zoning Law of the Village of Fort Edward; and

WHEREAS, the Board previously introduced a Local Law amending Chapter 100 including certain provisions of the C1 zone and the zoning charts included in Chapter 100; and

WHEREAS, the Board of Trustees has held a public hearing, conducted SEQRA review and referred the proposed amendments to the Washington County Planning Department; and

WHEREAS, the Board wishes to proceed with the adoption of the Local Law; and

NOW, THEREFORE BE IT: RESOLVED, that the proposed Local Law amending Chapter 100 of the Code of the Village of Fort Edward is in the best interests of the residents of the Village of Fort Edward and is hereby adopted; and

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

Roll Call Vote

Voting:		Ayes	Nays	Abstain	Absent
Matthew Traver	Mayor	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Peter Williams	Trustee	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Edward Carpenter	Trustee	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

ALL AYES. MOTION CARRIED.

RESOLUTION #20 OF 2017-2018

ACKNOWLEDGEMENT OF SERVICE

MOTION BY TRUSTEE WILLIAMS, SECONDED BY TRUSTEE CARPENTER WHICH STATES:

WHEREAS, on May 1, 2017 the Board of Trustees accepted a retirement letter from Justice Court Clerk, Sharon Underwood; and

WHEREAS, Sharon's last day of employment by the Village of Fort Edward, was Friday, June 30, 2017; and

NOWTHEREFORE BE IT RESOLVED, the Fort Edward Village Board of Trustees does hereby collectively and individually thank Sharon Underwood for her 15 years of service as the Justice Court Clerk.

ALL AYES. MOTION CARRIED.

RESOLUTION #21 OF 2017-2018

SHARED SERVICES AGREEMENT, NYS DOT & VOFE

MOTION BY TRUSTEE WILLIAMS, SECONDED BY TRUSTEE CARPENTER WHICH STATES:

WHEREAS, the Fort Edward Village does hereby enter into a one year agreement with NYSDOT for Shared Services for services, materials and equipment, and

WHEREAS, this plan will ensure that there are not procedural obstacles to our sharing of resources, if and when the need arises; and

NOW, THEREFORE BE IT RESOLVED, the village board does hereby authorize the municipality to execute the Shared Services Agreement that was marked up by Meyer and Fuller.

ALL AYES. MOTION CARRIED.

RESOLUTION #22 OF 2017-2018 ?

140 BROADWAY, AUTHORIZATION TO PROCEED WITH SUPERME COURT PETITION

MOTION BY TRUSTEE WILLIAMS, SECONDED BY TRUSTEE CARPENTER WHICH STATES:

WHEREAS, on March 1, 2017, Village Code Enforcement Officer, David Armando, was called to building 140 Broadway, tax map number 171.6-1-39 to observe maintenance issues at the location; and

WHEREAS, after a review of the building, under the authority of Sections 110 or 108-109 of the International Fire Code &/or the Property Maintenance Code as outlined in the 2016 NYS Uniform Code Supplement, the building was closed and occupants were required to evacuate the building; and

WHEREAS, on March 17, 2017 and again on May 12, 2017 Chazen Engineers assessed the building and provided the village with written reports indicating the continually deterioration at the location; and

NOW, THEREFORE BE IT RESOLVED, the Village Board of Trustees does hereby authorize Village counsel to proceed with commencement of action pursuant to Chapter 32 of the Code of the Village of Fort Edward against the owner and mortgage holder of 140 Broadway, Fort Edward, New York; and

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

ALL AYES. MOTION CARRIED.

RESOLUTION #23 OF 2017-2018 ²

AUTHORIZATION TO EXECUTE SETTLEMENT DOCUMENTS

MOTION BY TRUSTEE WILLIAMS, SECONDED BY TRUSTEE CARPENTER WHICH STATES:

WHEREAS, the village has been party to an ongoing assessment dispute for property commonly known as the "GE Dewatering Facility", specifically, tax map number 163.15-1-4 which is in the Village of Fort Edward; and

NOW, THEREFORE BE IT RESOLVED, that the Village Board of Trustees hereby authorizes Mayor Traver to execute any and all documents pertaining to the settlement of the above referenced; and

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

ALL AYES. MOTION CARRIED.

AUDIT OF BILLS

ACCEPT THE AUDIT OF BILLS AS LISTED BELOW A MOTION BY TRUSTEE CARPENTER, SECONDED BY TRUSTEE WILLIAMS:

12 AP (final payment on 16/17 bills)		Pay Before Audit #2		Audit #2	
General Fund	12,599.25	General Fund	8,181.51	General Fund	58,765.98
Water Fund	18,733.16	Water Fund	2,272.98	Water Fund	1,801.20
Air Stripper	800.00	Air Stripper	1,789.65	Air Stripper	800.00
				Phase IV	5,300.72
				HUD	6,570.00

OTHER BUSINESS

CODE DISCUSSION

Mayor Traver asked D. Armando about the ongoing issues at 52 Broadway. The owner has been sighted for unlicensed vehicles and yard maintenance issues. The legal papers have been served, the owner has gone to court and he has been fined. The fine has not been paid, therefore a warrant for his arrest can now be issued. A discussion was held.

STREET/SIDEWALK REPLACEMENT, PROSPECT

The replacement of sidewalks has gone well to date. The weather does dictate when specific work can be done. Unless there is an unforeseen issues, the department has two more pours left.

HAZEN UPDATES/SEAN DOTY

(From email dated July 3, 2017)

Phase IV

We are awaiting the bonds/insurances to be submitted to us from the contractor so that we can get them to Matt Fuller for review. Once those are approved we can schedule the pre-con and issue the notice to proceed.

Water Report/EFC Water Grant Submission

We successfully submitted the Village's water grant application on the 22nd, in hopes of receiving ~\$2.76M in grant monies from EFC for the Hill Tank Replacement/Booster Pump Station Upgrade/Water Main Replacement project. I am guess that the earliest we will hear on the success of the grant will be late August, but more likely announcements will be made in October/November.

We are also finalizing the overall water report, and one of last things we are working on, as you know, is the analysis of water rates (we have sent a separate email detailing work associated with that effort). We anticipate issuing the final draft report to the Village within 2-weeks.

A brief discussion was held pertaining to water rates. Mayor Traver said a second board meeting may need to be held this month to begin discussions on water rates.

CT MALE UPDATES/JIM THATCHER

(From email dated June 29, 2017)

Phase IV

- Construction Contract(s) and Contractor Bonds and Insurance in process
- Pre-Construction Meeting in early July (TBA)
- Need to work with Chazen to develop bid strategy and appropriate specs for demo of 13 Washington Street
- Project Status Report for CDBG has been drafted and will be sent to Mayor for review prior to July 10
- CDBG Drawdowns being submitted to OCR as invoices are compiled and reviewed by Clerk-Treasurer

SAFE ROUTES TO SCHOOL (SRTS)/KURT NICHOLS

(From email dated July 05, 2017)

I spoke to the contractor and they still plan on starting toward the end of July (I don't have a solid date). They plan on starting work on McCrea and Case Streets, having those areas complete by the time school starts. Final completion on Oct 22nd. If you need additional clarification, please give me a call.

13 WASHINGTON STREET

Attorney Fuller stated that during the title search process, the current bank missed two open, outstanding mortgages. These will need to be satisfied prior to the closing. Once the title issues are worked out, the closing will take place.

114 FORT EDWARD ROAD

Mayor Traver said that he has to follow up with the water committee on the open invoice pertaining to 114 Fort Edward Road.

LETTER OF RECOMMENDATION

Attorney Mary-Ellen Stockwell wrote a letter of recommendation on behalf of student Knoal Havens who is a junior at the Fort Edward High School (FEHS) as well as a student at the Early College High School (ECHS) Program in Malta. This letter was addressed to the FEHS Secondary Principal, cc'ing the Fort Edward Planning Board, ECHS Program Coordinator and Teachers, regarding his May 16, 2017 presentation to the FE Planning Board on non-point source water pollution. Attached is the letter, which is an official part of the July 5, 2017 meeting minutes.

The Board discussed and congratulated Mr. Havens on his hard work and commitment to not only FEHS, but to the ECHS program as well. They wished him the best of luck as he moved through the remainder of his education.

PUBLIC COMMENTS

JOE GITTO

4 CULVER STREET

Mr. Gitto addressed the Board saying that he is continuing to have issues at his home on Culver Street, indicating that the water has ruined another furnace at the home. The Board discussed and Mayor Traver said that the water and sewer lines in that area have all been replaced. The storm that this area had over the weekend brought an unprecedented amount of rain in a relatively short period of time; this overwhelmed the drainage systems not just on Culver Street, but all throughout the village.

Mayor Traver acknowledged that there is a stormdrain that runs level with the street and if the debris isn't periodically cleaned out, this will become clogged and the intersection of Wing and Culver will flood. Trustee Williams commented on the old Reservoirs in that area, the Jane McCrea Reservoir and the McIntyre Reservoir, the diversions that were made from the canal and the underwater springs that are throughout the area. Mullen Park (FKNA McIntyre Park) was a swamp until the park was built.

The discussion moved onto known water issues in the village, specifically in regards to Liberty Street, where CP Rail has diverted water and now the owners of 15 Liberty Street are experiencing water issues at their home. Attorney Fuller informed the Board that there is a Green Innovation Grant Program (GIGP) through New York State EFC which is used to fund projects which protect and improve water quality, re-direct streams that are impacting the sewer systems by adding water to the sewer system.

SHERRY GENIER

BRITTNEY SCHROECK

13 SEMINARY STREET

2 THORNWOOD DRIVE

The above residents asked about parking on Mechanic Street to Pickett Drive. Currently the residents at 48 Mechanic Street are parking multiple cars in front of the home. In addition they are parking a boat on the side of the road. This impairs the line of site while driving in that area. Chief Derway has discussed this with D. Armando. A discussion was held, centering on limiting parking and researching current V&T local laws.

BOARD COMMENTS

NYS DOT/SHARED SERVICES AGREEMENT

DOT sent a letter stating the Shared Services Agreement between the Village and DOT needs to be renewed. Attorney Fuller reviewed the agreement and suggested two changes. The Board moved to adopt the marked up agreement. See *resolution #21 above*.

COMPUTEL GRT AUDIT/NATIONAL GRID

Attorney Fuller reviewed the National Grid Non-Disclosure agreement that was forwarded to the village. After a review of the document and a discussion with National Grid counsel, village attorney advised the board that this form can be executed. A motion to authorize Mayor Traver to execute said documents was made by **Trustee Carpenter**, seconded by **Trustee Williams**. All ayes. Motion carried.

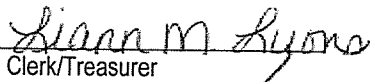
A motion to adjourn the meeting to executive session to discuss GE Article 7 ongoing litigation and potential litigation related to 140 Broadway was made by **Trustee Williams**, seconded by **Trustee Carpenter**. All ayes. Motion Carried.

A motion to come out of executive session was made by **Trustee Williams**, seconded by **Trustee Carpenter**. All ayes. Motion carried.

2= Upon coming out of executive session, the Village Board of Trustees moved to adopt Resolution 22 and Resolution 23 as detailed above.

There being no further business, at 8:45pm, a motion to close the meeting was made by **Trustee Carpenter**, seconded by **Trustee Williams**. All ayes. Motion carried.

Respectfully Submitted,


Clerk/Treasurer

Dated: July 14, 2017

1= The July monthly meeting was moved from July 3, 2017 to July 5, 2017 at 7:00pm.



Attorneys

Matthew F. Fuller, Esq.
Jeffrey R. Meyer, Esq.
Mary-Ellen E. Stockwell, Esq.

Howard I. Krantz, Esq.
1946 - 2015

June 7, 2017

Mr. Thomas D. McGurl, Secondary School Principal
Fort Edward Union Free School District
220 Broadway
Fort Edward, New York 12828
tmcgurl@fortedward.org
cc: Joanna Scotch, Guidance Counselor (jscotch@fortedward.org)

RE: Student: Knoal Havens, Junior Student
Clean Technologies-Early College High School

Dear Principal McGurl, et. al:

The undersigned is attorney for the Village of Fort Edward Planning Board (hereinafter referred to as the "Board"). During the May 16, 2017 Village Planning Board meeting, I had the privilege of listening to your student, Mr. Knoal Havens, present his project for the Clean Technologies Early College High School Program about his research within the Village of Fort Edward.

I am writing to you at the request of no person in particular. However, that being said, I wanted to express how sincerely impressed I was with your student, Mr. Havens, your program and this demonstration. Mr. Havens' presentation to the Board exuded professionalism and poise. He was exceptionally knowledgeable on the topic, appeared confident and was a fantastic public speaker.

The Board and public members were engaged and asked several questions of Mr. Havens which he was able to answer with ease and in full detailed response. This was my first time meeting Mr. Havens.

I commend this program and what it offers local students. Being from the Town of Fort Edward and a Hudson Falls High School Graduate, I can honestly say that opportunities like this are truly a benefit to students. I am happy to see this in our local community.

I thank you for your time and consideration in this matter. Please do not hesitate to contact me for anything further in this regard.

Page Two (2) of Two (2)
Mr. Knoal Haves

Very truly yours,



Mary-Ellen E. Stockwell, Esq.
mestockwell@meyerfuller.com

cc: Mr. Knoal Havens (via e-mail)
Thomas Roche, Chairman, Fort Edward Village Planning Board (via e-mail)
Ms. Adrienne Snow, ECHS Program Coordinator, Ballston Spa Central School (For
forwarding to Teachers: Mr. John Balet; Ms. Theresa Lewis, and Mr. Matthew
Glogowski) (asnow@bscsd.org)