

**Village Board of Trustees
Regular Meeting Monday,
June 5, 2017**

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	Debbi Pawson	Jeannie Mullen	Dennis Babson	Darlene DeVoe
	Dennis DeVoe	Katherine DeVoe	Susan Malvuccio	Joe Malvuccio

MINUTES

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

Monthly VB Special Meeting	April 12, 2017
VB Public Hearing	May 1, 2017
Monthly VB Meeting	May 1, 2017
VB End of Year Meeting	May 30, 2017
Planning Board	April 18, 2017
Zoning Board of Appeals	February 15, 2017
Zoning Board of Appeals	March 6, 2017

ALL AYES. MOTION CARRIED.

REPORTS

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

Village Justice, Clerk/Treasurer, Code Enforcement, Highway, Groundskeeper, Police Chief, Water Superintendent.

ALL AYES. MOTION CARRIED.

RESOLUTIONS

RESOLUTION #1 OF 2017-2018

A RESOLUTION TO COLLECT 2017-2018 VILLAGE TAXES

MOTION BY **TRUSTEE CONLON**, SECONDED BY **TRUSTEE CARPENTER**, WHICH STATES:

WHEREAS, the Fort Edward Village Board does hereby authorize the Mayor and Clerk/Treasurer to sign the tax warrant for the fiscal year 2017-2018 in the amount of \$1,820,206.39 and also authorizes the Clerk to collect taxes as of June 1, 2017.

ALL AYES. MOTION CARRIED.

RESOLUTION #2 OF 2017-2018

A RESOLUTION APPOINTING THE ZONING BOARD OF APPEALS CHAIRPERSON

MOTION BY **TRUSTEE WILLIAMS**, SECONDED BY **TRUSTEE CONLON**, WHICH STATES:

WHEREAS, the Village of Fort Edward has a five member Zoning Board of Appeals, that meets on an as needed basis to hear from applicants seeking relief from the zoning regulations that have been adopted by the Village Board of Trustees; and

WHEREAS, as per Village Law, Section 7-712(2) both the appointment of ZBA board members and the designation of the Chairperson are made by the Mayor and subject to the approval of the Board of Trustees; and

NOW THEREFORE BE IT RESOLVED, the Village Board of Trustees does hereby appoint Phil Perry as the Chairperson of the Zoning Board of Appeals.

ALL AYES. MOTION CARRIED.

RESOLUTION #3 OF 2017-2018

VENDOR & SOLICITING PERMIT FOR VIVINT.SOLAR

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

WHEREAS, the village board has reviewed the Peddling & Soliciting application and supporting documentation submitted by Anthony Carucci of vivintSolar; and

NOW THEREFORE BE IT RESOLVED, the village board does hereby approve the soliciting request from this organization, for Monday-Saturday between the hours of 12:00-7:00. Proper identification should be carried at all times, along with a copy of this approval.
ALL AYES. MOTION CARRIED.

RESOLUTION #4 OF 2017-2018

FACILITY USE PERMIT FOR WASHINGTON COUNTY ON BEHALF OF THE COUNTY LIFESTYLE IMPROVEMENT PROGRAM
MOTION BY **TRUSTEE WILLIAMS**, SECONDED BY **TRUSTEE CONLON** WHICH STATES:

WHEREAS, the village board has reviewed the Facility Use Permit application and supporting documentation submitted by Melissa Fitch from Washington County on behalf of the County Lifestyle Improvement Program; and

NOW THEREFORE BE IT RESOLVED, on Thursdays, from 4:00-6:00pm, beginning June 15, 2017-July 13, 2017, the village board does hereby grant permission to the County Lifestyle Improvement Program the use of Mullen Park and the Fitness Trail for a fitness class.
ALL AYES. MOTION CARRIED.

RESOLUTION #5 OF 2017-2018

RESOLUTION INTRODUCING PROPOSED LOCAL LAW AMENDING CHAPTER 100 OF THE CODE OF THE VILLAGE OF FORT EDWARD
MOTION BY **TRUSTEE CARPENTER**, SECONDED BY **TRUSTEE WILLIAMS** 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 of Trustees previously adopted a new Chapter 100 and wishes to amend same; and

WHEREAS, a Local Law amending Chapter 100 has been drafted and is attached hereto; and

WHEREAS, the Board is desirous of proceeding with the review and consideration of this proposed Local Law.

NOW, THEREFORE BE IT RESOLVED, that the proposed Local Law is hereby accepted for introduction to the Board of Trustees. A public hearing was previously scheduled for May 1, 2017 before the Board of Trustees. Copies of the Local Law shall be available at the Village Clerk's office for review; and be it further

RESOLVED, that the Village Clerk is directed to forward this proposed Local Law to the Washington County Planning Board in accordance with Section 239-m of the General Municipal Law; and be it further

RESOLVED, that the consideration and proposed adoption of the Local Law is an action under the New York State Environmental Quality Review Act (SEQRA). The Board hereby declares that this action is an **unlisted** action under SEQRA, and hereby declares that there are no other involved agencies and that the Local Law shall undergo uncoordinated review for **unlisted** actions pursuant to SEQRA; 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>
Tracy Conlon	Trustee	<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 #6 OF 2017-2018

FIREWORKS PERMIT FOR FESTA
MOTION BY **TRUSTEE WILLIAMS**, SECONDED BY **TRUSTEE CONLON** WHICH STATES:

WHEREAS, the Fort Edward Village Board does hereby approve the fireworks application submitted by FESTA for the fireworks display at Heritage Days, scheduled for June 23 and June 24, 2017, pending approval of Washington County Code Enforcement.
ALL AYES. MOTION CARRIED.

RESOLUTION #7 OF 2017-2018

A RESOLUTION TO HIRE PART TIME POLICE OFFICER, EDWARD ACKLEY
 MOTION BY **TRUSTEE WILLIAMS**, SECONDED BY **TRUSTEE CARPENTER** WHICH STATES:

WHEREAS, the Fort Edward Village Board of Trustees does hereby appoint Edward Ackley to the position of part-time Police Officer at a rate of \$15.00/hour, effective immediately.
ALL AYES. MOTION CARRIED.

AUDIT OF BILLS

A MOTION BY TRUSTEE **CONLON**, SECONDED BY TRUSTEE **CARPENTER** TO ACCEPT THE AUDIT OF BILLS AS FOLLOWS:

General Fund	#1	57,428.97	General Fund	PBA	6,157.70
Water Fund	#1	35.78	Water Fund	PBA	671.19
Air Stripper	#1	000.00	Air Stripper	PBA	1,216.53

OTHER BUSINESS

STREET/SIDEWALK REPLACEMENT ON PROSPECT

Street Superintendent, B. Etu, stated that the department intends on beginning the project the week of June 12th and it will take two (2) to three (3) days.

STREET/EAST STREET PARKING LOT

The parking lot and walkway between the parking lot and the St. Joseph's school, is complete. BOCES will be doing a test run with the buses during pick up and drop off, next week.

STREET/TREES

High Peeks Tree Removal service completed the quoted project. All trees and stumps have been removed.

SAFE ROUTES TO SCHOOL

Clerk Lyons stated that there was an issue with the EBO login information. That has since been fixed and Kurt from MJ Engineering was going to be working to set up a pre-construction meeting. Trustee Williams addressed the board and said that on the West side of Marion Street, on top of the Marion street hill, there aren't any sidewalks. This is a safety concern for the kids walking to school.

POLICE/POST STAR RED BAGS

The Post Star carriers delivering these papers are simply tossing them around throughout the village. These are eyesore and may stay sitting in a village right away for days. Chief Derway said he has reached out to the Post Star and little remedy. Attorney Fuller stated this is similar to the delivery of phone books. After a brief discussion on the littering laws, Mayor Traver said that he would draft a letter to Ken Tingley at the Post Star.

SOFTBALL FIELDS/CHALK

Trustee Conlon asked if the village DPW would be able to store a pallet of chalk. After a brief discussion, it was agreed upon that the pallet can be stored in the village barn for now, however, after rec season is over, it will need to be moved to the rec building to make way the trucks and plows for winter.

MULLEN PARK/FENCE

Trustee Conlon said that he didn't have any additional quotes.

PHASE IV

The bids were opened on Friday, June 2, 2017 at 2:00pm. Three bids were received and Chazen is currently reviewing the lowest responsible bid. The bids received are as follows:

Reale Construction	1,340,000.00
New Castle Paving	1,630,102.81
American Evergreen	1,181,729.00

CHAZEN UPDATES (From email dated June 5, 2017)

Phase IV:

As you are aware, the bids were opened on Friday 6/2. The apparent low bidder is American Evergreen at ~\$1.181M total, which includes a subtotal of ~\$494,400 for Village work (balance being work for WCSD#2). We are currently reviewing the bids and completing a reference check. We will supply the Village with our findings once complete.

Water Report/EFC Water Grant Application

We are working to finalize the engineer's report on the Village's water system. We met with the Mayor and Trace Conlon to discuss some of the projects born from the report. Based on the meeting and work completed to date on the report, the Mayor and Trace recommended that the Village seek EFC Water Grant Funding to support the following projects:

- Replacement of the Hill Tank;
- Upgrades at the Hill Tank Pump Station (pump replacement, addition of controls, etc.)
- Replacement mains within the following streets:
 - Copper Street
 - Grove Street
 - Prospect Street
 - West Summit Street
 - Case Street
 - Harrison Street
 - Summit Street
 - Burgoyne from Harrison to Maple Street

The total amount of funding needed for these project is estimated at approximately \$4.3M of which the water grant will pay for up to 60%. We are working to finalize the project estimate, and will also be preparing the EFC grant application for submission by June 23rd. We will work closely with the Village and Village attorney to submit the application, because the Village board will need to complete SEQRA review and pass a bond resolution for the work. More to follow on this in the coming days.

Mayor Traver added that when considering to replace the tower or repaint the tower, the village needs to look at what guarantees will apply. In addition, research needs to be done on the financial commitment and impact this will have if the village does apply and does get said grant. Trustee Conlon said that the work the village is looking at including in this grant, are projects that have needed to be done for years and are needed to address aging infrastructure.

Village MS4 Report

We submitted the MS4 report on the Village's behalf on 5/20. The Village has completed the reporting for 2016. We should meet to discuss the SWMP goals this summer however. I can follow up with a proposed meeting time.

13 WASHINGTON STREET

Attorney Fuller has the contract finalized. He will have the Mayor execute the document and send it to Wells Fargo. He will cc: the Clerk's office on this. Jim Thatcher said that there needs to be three (3) demolition bids. A brief discussion was held on this property as well as the potential demolition of the Canal Street property.

MARKETPLACE/GRAND OPENING

Trustee Williams updated the board saying the Grand Opening had thirteen (13) vendors and an additional three (3) vendors will be there this week. In all nineteen (19) vendors have committed to participate in the first Marketplace season. The first day was a success. Advertising is going well. There are ads in the Chronicle and other smaller publications. The banner and A-Frame signs will be here this week. After the Heritage Days banner comes down from over Broadway, the Fire Department will hang a Farmers Market Banner. Trustee Carpenter said that the collaboration and hard work of many have made the Marketplace a success.

MID-MONTH MEETING

The Board set a mid-month meeting for Tuesday, June 20, 2017 at 4:00pm.

PUBLIC COMMENTS

DARLENE DEVOE
188 BROADWAY

IRVING TISSUE LANDSCAPING

Resident inquired as to the status of the Irving Tissue landscaping project. Mayor Traver said that he would have to follow up with Greg VanGrouw in relation to the landscaping. As it pertains to the three (3) panels of sidewalk that need to be replaced, Mayor Traver said that he would follow up with Tim Herman.

140 BROADWAY

Resident inquired as to the status of 140 Broadway. D. Armando said that he has been working with Attorney Fuller on this process. Attorney Fuller said that he met with Chazen at the location on Thursday to discuss the building. A brief discussion was held on the different options the village may consider to pursue. Attorney Fuller said he would reach out to their bank.

Resident stated that the asbestos report for the "One More" came back. The downstairs needs asbestos abatement. The upper apartment has been granted a waiver so abatement isn't needed.

Resident asked why her letter of resignation wasn't read aloud in public. Attorney Fuller said it can be read into the minutes. Clerk Lyons read the following into the minutes:

Darlene Devoe
188 Broadway
Fort Edward, NY 12828
May 15, 2017

Deputy Mayor Peter Williams Village of Fort Edward
118 Broadway
Fort Edward, NY 12828

Dear Deputy Mayor Peter Williams:

It is with regret that I tender my resignation from the Fort Edward Village Board, effective immediately.

Let me begin by saying that I am grateful for having had the opportunity to serve the residents and business' owners in the Village of Fort Edward and I am proud of our accomplishments over the past 11 years.

Last month (4/17/2017) a crime was reported to me that is a serious matter and in need of immediate attention so I followed protocol and reported the matter to you. On the same day, you notified the Mayor and he notified the Village Attorney. Two weeks passed before our monthly meeting when the rest of the board learned of this situation for the first time.

During this meeting, I expressed my concerns about the decision to allow our attorney to conduct an internal investigation into the matter. We were told that he would speak with the three interested parties, obtain information from Glens Falls (I had provided Fort Edward's in a sealed envelope), and speak with Washington County District attorney Tony Jordan.

After learning that our attorney had not actually requested the information from Glens Falls as he stated he would do, and that he instead asked the employee in question to provide information for the investigation, I spoke to Atty John Mancini, head attorney on Ethics at NYCOM, about whether I, as an individual, had the right to submit a FOIL request and was advised that I absolutely did

I asked the village attorney for an update on Friday (5/12/2017) and what we received further illustrated that the internal investigation process is flawed and that the parties involved in investigating are too close to the situation. I am extremely disappointed that the Mayor decided to take no action to protect the Village and instead has put the community at risk. Further, I feel no assistance or support is being given to the employee that brought the information forward and that warning me not to talk with staff is creating a hostile work environment for that employee. I encouraged her to speak with the Employee Assistance Program, which she has done.

To be clear, I am resigning from my position as Village Trustee because I do not feel the internal investigation into this crime has done anything but provide time to potentially cover tracks and firmly believe the matter needs to be turned over to the State Police for an independent investigation. The attorney's statement that the person in question deserves the benefit of a clean audit is absurd. It was this employee that stated they committed this act repeatedly, also acknowledging the lack of audit controls to catch this illegal activity. The attorney gave his word when he said he could separate the needs of his client, the Village, from those of his life-long friend. His communication and warnings directed at me are out of line and are more reflective of someone attempting to help the employee under investigation than to protect the Village.

I am shocked that I have to resign from my position in order for the appropriate action to be taken, in an appropriate manner. I was raised in a home where ethics is the core of what makes you who you are, and means doing what needs to be done- despite what may be easier. For that reason, I will bring any and all information that I have to the State Police directly, as a citizen, and be done with the matter.

Sincerely,

Darlene DeVoe Resident

Cc: Mayor Matthew Traver and Board of Trustees

KATHY DEVOE

11 BARTON AVENUE

Stated, just to confirm, will Darlene's resignation letter become an official part of the minutes? Attorney Fuller stated that it would.

MCCREA HOTEL

Trustee Conlon asked D. Armando if he has been back to the McCrea Hotel. D. Armando said that he did go back last week and the renovations weren't complete. He also requested an electrical inspection.

BOARD COMMENTS

DOT LETTER/197 BRIDGE

DOT sent a letter stating they would be performing specific work on the 197 concrete bridge.

BRUSH

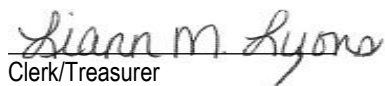
A discussion was held on stream lining brush pick up in the village. Attorney Fuller said the board could consider sending out RFP's to tree companies for excess wood that is being left in the village right of ways.

A motion to adjourn the meeting to executive session for advice from council and to discuss personal matters was made by **Trustee Williams**, seconded by **Trustee Carpenter**. All ayes. Motion Carried.

At 9:35pm, a motion to come out of executive session was made by **Trustee Carpenter**, seconded by **Trustee Conlon**. All ayes. Motion Carried.

There being no further business, at 9:36pm, a motion to close the meeting was made by **Trustee Carpenter**, seconded by **Trustee Conlon**. All ayes. Motion Carried.

Respectfully Submitted,



Clerk/Treasurer

Dated: June 5, 2017