

Village Board of Trustees
 Regular Meeting
 Monday, October 2, 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	Jeannie Mullen	Jim Thatcher, CT Male		

THESE ARE NOT OFFICIALLY ADOPTED MINUTES AND ARE SUBJECT TO BOARD AND STAFF REVISIONS. ANY REVISION WILL APPEAR ON THE FOLLOWING MONTHS MINUTES AND WILL STATE SUCH APPROVAL OF SAID MINUTES.

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, September 5, 2017
- Special VB Meeting, September 5, 2017
- Planning Board, August 7, 2017

ALL AYES. MOTION CARRIED.

REPORTS

A MOTION TO ACCEPT THE FOLLOWING MONTHLY REPORTS WAS MADE BY TRUSTEE CARPENTER, SECONDED BY TRUSTEE CONLON. Clerk/Treasurer, Code Enforcement, Highway, Groundskeeper, Police Chief, Water Superintendent and Justice Court.

ALL AYES. MOTION CARRIED.

RESOLUTIONS

RESOLUTION #36 OF 2017-2018

DRAWDOWN #3, PHASE IV SAFE WATER IMPROVEMENT PROGRAM WATER MAIN REPLACEMENT & SEWER SEPARATION PROJECT
 MOTION BY TRUSTEE CONLON, SECONDED BY TRUSTEE WILLIAMS, WHICH STATES:

WHEREAS, the above referenced project has incurred project related expenses; and
WHEREAS, the invoices pertaining to said expenses have previously been audited by the Village Board of Trustees; and
NOW THEREFORE BE IT RESOLVED, the Board hereby authorizes the designated Trustees to execute the "Public Infrastructure/Facility Request for Funds" form; and
BE IT FURTHER RESOLVED, the Board directs the Clerk to forward the executed form(s) and appropriate documentation to the NYS Office of Community Renewal.

ALL AYES. MOTION CARRIED.

RESOLUTION #37 OF 2017-2018

STATE CONTROL & ICE CONTROL PROGRAM
 MOTION BY TRUSTEE CARPENTER, SECONDED BY TRUSTEE WILLIAMS, WHICH STATES:

WHEREAS, the Fort Edward Village Board does hereby enter into an agreement with Washington County for participation in the State Snow and Ice Control Program for the 2017-2018 winter season and authorizes the Superintendent of Public Works to execute documents pertaining to same.

ALL AYES. MOTION CARRIED.

RESOLUTION #38 OF 2017-2018

COLLECTION OF WATER RENTS, OCTOBER 1, 2017
 MOTION BY TRUSTEE WILLIAMS, SECONDED BY TRUSTEE CONLON, WHICH STATES:

WHEREAS, the Fort Edward Village Board does hereby authorize the Clerk/Treasurer to collect water rents in the amount of **\$133,551.15** for the October 2017 billing period.

ALL AYES. MOTION CARRIED.

RESOLUTION #39 OF 2017-2018

RETAINER AGREEMENT FOR LEGAL SERVICES

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

WHEREAS, from time to time the village will receive a "Notice of Chapter 13 Bankruptcy Case, Chapter 13 Plan and Notice of Time Fixed for Filing Objections to and Hearing to Consider Confirmation of Chapter 13 Plan" letter from the Washington County Treasurer's office; and

WHEREAS, the village is required to file a proof of claim to collect the current village tax bill and such filings are time sensitive to ensure compliance as outlined in each letter; and

NOW THEREFORE BE IT RESOLVED, effective 09/18/17 the Village Board does hereby authorize Mayor Traver to execute documents to retain legal services from the bankruptcy firm Schiller, Knapp, Lefkowitz & Hertzler, LLP at a rate of pay as outlined in attached schedule in the retainer agreement.

ALL AYES. MOTION CARRIED.

RESOLUTION #40 OF 2017-2018

DRAWDOWN REQUEST #6, SAFE ROUTES TO SCHOOL PROJECT, PIN #1759.58.123

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

WHEREAS, MJ Engineering has submitted a drawdown request in the amount of \$31,088. for the above referenced project for the coverage period of May 4, 2017 to September 8, 2017; and

NOW THEREFORE BE IT RESOLVED, the Board hereby authorizes Mayor Traver to execute documents for said drawdown request #6; and

BE IT FURTHER RESOLVED, the Board directs the Clerk to forward the executed form(s) and appropriate documentation to NYS DOT for review, approval and payment.

ALL AYES. MOTION CARRIED.

RESOLUTION #41 OF 2017-2018

INFORMATION SECURITY PROGRAM

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

WHEREAS, implementing consistent security controls across operations will help the Village comply with current and future legal obligations to ensure the long-term due diligence in protecting the confidentiality, integrity, and availability of the village's data; and

WHEREAS, these policies, standards, procedures and guidelines apply to all Village Water related data, systems, activities, and assets and applies to all Village Water employees, contractors, sub-contractors and their respective facilities supporting Village Water business operations, and

NOW, THEREFORE BE IT RESOLVED, the Village Board of Trustees does hereby accept and adopt the Information Security Program dated September 28, 2017 which outlines specific standards, procedures and guidelines that are necessary to support the management of information risks in daily operations; and

BE IT FURTHER RESOLVED, this resolution will take effect immediately.

ALL AYES. MOTION CARRIED.

RESOLUTION #42 OF 2017-2018 ¹

RESOLUTION APPROVING THE STIPULATION OF SETTLEMENT, ORDER AND JUDGMENT RELATIVE TO GENERAL ELECTRIC COMPANY V. ASSESSOR OF THE TOWN OF FORT EDWARD, ET. AL. BEARING WASHINGTON COUNTY SUPREME COURT INDEX NOS.: 15398-2009; 17477-2010; 19186-2011; 20694-2012; 22250-2013; 23586-2014; 25067-2015 and 26222-2016

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

WHEREAS, General Electric Company, Petitioner, commenced an action against the Town of Fort Edward, under Article 7 of the Real Property Tax Law in the Washington County Supreme Court pertaining to property located at Towpath Lane and 1400 Towpath Lane, Town of Fort Edward, Village of Fort Edward (TMP: 163.15-1-4), Washington County New York, bearing tax map identification numbers: 163.15-1-4 and 163.-2-20.1.

WHEREAS, the litigation called into dispute the tax assessments from 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016; based upon the assessed value of \$72,610,600; and

WHEREAS, counsel for the municipalities have engaged in discussions with counsel for General Electric for the purpose of resolving these proceedings without further litigation; and

WHEREAS, the continuation of the litigation, including the costs for engineering and appraisal experts and legal counsel, a trial and attendant appeals, as well as the potential refunds with General Electric may obtain, including interest at nine percent per annum, represent a significant threat to the financial stability of the Village of Fort Edward and the other affected municipalities; and

WHEREAS, the counsel representing General Electric and the municipalities have agreed upon a proposed settlement, as set forth in the attached Stipulation of Settlement; and

WHEREAS, the Village Attorney recommends approval of the proposed settlement; and

WHEREAS, it is in the interests of all parties to resolve this proceeding at this time and in this manner and thereby avoid potential refunds and significant costs and delay that would otherwise be incurred with continued, protracted litigation; and

WHEREAS, it is the desire of the Village of Fort Edward to authorize their general Municipal Counsel, Meyer & Fuller, PLLC to sign and accept the Stipulation of Settlement, Order and Judgment, relative to property located at Towpath Lane and 1400 Towpath Lane, Town of Fort Edward, Village of Fort Edward (TMP: 163.15-1-4), Washington County New York, bearing tax map identification numbers: 163.15-1-4 and 163.-2-20.1) with the following settlement terms:

NOW THEREFORE BE IT RESOLVED, the Village Board, upon due deliberation, finds that it is in the best interests of the residents of the Village of Fort Edward to approve and enter into the terms of settlement as detailed above subject to final review and approval of the specific language contained in the stipulation by counsel; and be it further

RESOLVED, that General Municipal Counsel, Meyer & Fuller, PLLC is hereby authorized to execute any and all documents pertaining to the settlement of the Article 7 petition on property bearing tax identification numbers: 163.15-1-4 (Town and Village) and 163.-2-20.1 (Town only Parcel), in accordance with the RPTL Section 727 and in accordance with the terms included herein; and be it further

RESOLVED, that upon presentation of the fully executed stipulation, the Village Clerk Treasurer is hereby authorized to pay the amount attributed to the Village of Fort Edward; and

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

ROLL CALL VOTE

Voting:		Ayes	Nays	Abstain	Absent
Matthew Traver	Mayor	x	_____	_____	_____
Tracy Conlon	Trustee	x	_____	_____	_____
Peter Williams	Trustee	x	_____	_____	_____
Edward Carpenter	Trustee	x	_____	_____	_____

The foregoing resolution was thereupon declared duly adopted.

AUDIT OF BILLS

ACCEPT THE AUDIT OF MONTHLY BILLS

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

PAY BEFORE AUDIT #4		AUDIT #4	
General Fund	\$ 7,126.66	General Fund	\$ 20,170.31
Water Fund	\$ 11,999.15	Water Fund	\$ 5,125.12
Air Stripper	\$ 469.88	Air Stripper	\$ 00.00
	\$	Phase IV	\$ 8,503.80

OTHER BUSINESS

SAFE ROUTES TO SCHOOL (SRTS)/MARK RIORDAN, P.E.

(From email dated September 27, 2017)

Sidewalks have been completed on Marion Street and sidewalks on McCrea Street are scheduled to be completed on Friday 9/29/17. Excavation work has begun on McIntyre Street and is expected to be completed by the end of this week and the crew will then progress to Wing Street. I expect asphalt placement for driveway aprons and any patching to start on Monday 10/9/17 at the latest. It appears likely the

project is on schedule for the substantial completion date of 10/15/17.

VB COMMENTS: Mayor Traver informed the Board that the original crews working on Case Street were removed from the project and replaced by NIMS (for earthwork) and Catalfamo (sidewalk work). Since the new companies have taken over the project is moving swiftly and looks professional. Both companies are now working on McIntyre and Wing streets.

PHASE IV/CHAZEN UPDATES/SEAN DOTY, MIKE CLARK

(From email dated September 28, 2017)

- ✓ American Evergreen has installed the 24" diameter storm connection from Satterlee Lane to Washington Street, crossing Broadway/Rt. 4 in the process.
- ✓ In the process of crossing NY4, a sanitary sewer line, understood to be abandoned, was actually in service. Chazen issued a work change directive (#2) which ordered the Contractor to cut the sanitary sewer which conflicted with the 24 " storm line, and connect the existing sanitary sewer to an adjacent sewer.
- ✓ Chazen issued Change Order #1 & 2: #1 relocated the Washington Street Water and Storm Sewers to avoid a gas line conflict. #2 removed the conflicting sanitary sewer in Broadway and reconnected it. Proposed cost of #1 is \$3,150 and the proposed cost of #2 is \$3,447. The total contract price does not change, only the Field Allowance Line Item (Sewer Share only) is reduced. American Evergreen, Inc. has not yet accepted these change orders.
- ✓ Payment application #1 was submitted by the contractor. The Water (Village share) contract has not yet been charged. The sewer contract (share) was charged \$80,172.00 less 5% retainage resulting in a pay request of \$76,163.40
- ✓ A project meeting was held today (9/28) to discuss schedule.

VB COMMENTS: Mayor Traver updated the Board on the referenced meeting. While working on the tie in on Broadway they ran into an issue with a sewer line that was supposed to be inactive, however that wasn't the case. The contractor remedied the situation and the work to get across Broadway actually took longer than expected. The contractor has only done work on the sewer portion so far. If an additional crew was to be brought on to get the project moving faster, because the streets are so narrow, the roads in the replacement areas would need to be completely closed.

Blacktop plants typically close on November 18th and according to the terms of the grant contract, the last day actual work can be performed is December 10th. Jim Thatcher stated that while the project was put out to bid late, it took two months for the paperwork to get in order. The board discussed possibly requesting a grant extension however, the Board agreed to wait until the contractor submitted a new construction schedule prior to considering asking for an extension. Jim Thatcher informed the Board that even if an extension request was submitted, there is no guarantee that OCR would approve the request.

CT MALE UPDATES/JIM THATCHER

(From email dated September 29, 2017)

Phase 4 Safe Water:

- ✓ Project Status Meeting held 9/28;
- ✓ Contractor revising their construction schedule based on suggestions at the meeting to speed up overall pace of the work;
- ✓ Mayor, Chazen (Sean), and Jim Thatcher to review new Schedule and decide whether to seek a grant extension by mid-October;
- ✓ Current CDBG award expires December 10, 2017;
- ✓ Required Wage Rate interviews also conducted on September 28, 2017 by J. Thatcher

Jim Thatcher further stated that the OCR requirements for public hearings have changed. A public hearing needs to be held towards the end of a project, allowing the community a chance to provide feedback on the project. The Board briefly discussed and Jim Thatcher said he would forward the Clerk's office the Post Star public hearing notice. A motion to set a public hearing on November 6, 2017 at 6:45 was made by Trustee Carpenter, seconded by Trustee Conlon. All ayes. Motion carried.

Restore NY – Round 5 (Empire State Development):

Mayor Traver and Jim Thatcher discussed a new grant opportunity (Restore NY) that might be suitable for help with demolition of the Williams house on Canal Street and possibly 50 East Street to facilitate new development in the future, or possible redevelopment work along Broadway if a developer is identified and has plans ready within next 10-12 months to start a project.

VB COMMENTS: The Board discussed this round of funding which is specifically targeting demolition and major rehabilitation in downtowns along with main street development. Restore NY encourages public and private partnership. A potential target area could include 62 Canal Street and 50 East Street, focusing on connecting the two parcels to encourage future redevelopment while tying in access to Hudson Headwaters Health Network, the Train Station, Canal Street Marketplace and Yacht Basin. The Board discussed and a motion to authorize Jim Thatcher from CT Male to draft and submit a Letter of Intent to Empire State Development (ESD), at no cost to the village, by October 13, 2017 was made by Trustee Carpenter, seconded by Trustee Conlon. All ayes. Motion carried. J. Thatcher stated that if ESD gives a

positive response to the letter, a full application can be submitted and the deadline for the grant submission would be December 15, 2017. At that time, he would come back to the Board to discuss CT Males cost associated with application preparation.

STREET/38 MCCREA STREET

This issue was resolved with the help of the Sewer Agency. A drainage pipe was added, they formed concrete to the existing stone wall and backfilled around the foundation.

NOTRE DAME STREET

Notre Dame Street is scheduled to be paved by Peckham Industries on October 12th using CHIPS money. The village DPW did work on every catch basin on the street and the Sewer Department did maintenance work on their sewer drains.

SIGNS THROUGHOUT VILLAGE/UPDATE TO PARKING LOCAL LAW

Trustee Carpenter and Chief Derway drove the village specifically looking for trouble areas relating to parking issues. Attorney Fuller will schedule a meeting with Chief Derway and Trustee Carpenter to discuss their findings and to incorporate their suggestions into the upcoming amendment to the V&T local law.

MUNICIPAL PARKING LOT

The village received a letter from Sharon Lemery in regards to tripping in the municipal driveway while leaving the Marketplace on September 28, 2107. She indicated that she didn't see the change in pavement and tripped. She asked the village to mediate the issue to prevent a serious injury. The Board discussed and the DPW department will work to remedy this issue.

INSURANCE CLAIM

The village received a claim from a resident in regards to damage to their basement during the July 2, 2107 rain storm event. The carrier, Trident, reviewed the claim and issued a denial letter to the homeowner.

PAID FAMILY LEAVE

The Board was issued a memo from the Clerk in regards to Paid Family Leave (PFL) as it is currently outlined. PFL will be on the agenda for discussion at the November 6, 2017 monthly meeting.

MULLEN PARK

Trustee Conlon said that the replacement of the fence at the lower tennis courts is now complete. He further stated that there are trees overgrowing onto the upper tennis courts causing the area to be wet, mossy and overgrown. In addition the lower court could be overlaid with concrete. Trustee Conlon said he would like to make sure that there is money included in the next budget to help address these issues. A discussion was held. Mayor Traver asked Trustee Conlon to work with Recreation Director, James Donahue to put together a list of needs for the park.

WATER FILTRATION PLANT

Mayor Traver updated the Board saying that the water tank at the plant was cleaned by Hogwash and looks great. Hogwash has informed Water Superintendent, John Miller, that he would come back to address the rust that is on the upper part of the tank if the village would supply the paint and the lift.

CABLE FRANCHISE CONTRACTS

Attorney Fuller will draft a response to Spectrum's proposed contract, incorporating the feedback from Michael Caton of Computel Consultants, and forward to Kevin Egan at Charter Communications. The Board discussed the renewal and asked Attorney Fuller to include free Wi-Fi or a hotspot in the village allowing the Train Station, the Marketplace and Yacht Basin to have wireless capabilities.

GENERAL ELECTRIC REARDON BROOK AIR STRIPPER

The agreement for the GE Air Stripper hasn't be re-negotiated in several years. During that time the amount of work that is required daily, weekly, monthly and quarterly has increased significantly. While the water employees are able to cover this work and the village is getting reimbursed for this work; the time spent at the Air Stripper takes away from the man power needed to work on necessary village projects and is beginning to impact what the water department is able to accomplish. If the village would like to get out of the contract, a 120 day notice is required. During the Board discussion they talked about hiring an additional employee at GE's expense, getting out of the contract all together, and what impact that may have on the village. The Board discussed the backup generator and semi-annual reimbursements that the village receives. A motion to authorize Mayor Traver to sign and send a letter to General Electric terminating the Reardon Brook Air Stripper agreement dated January 4, 2005 was made by Trustee Williams, seconded by Trustee Carpenter. All ayes. Motion carried.

140 BROADWAY

Attorney Fuller filed the proper paper work with the Washington County, State of NY Supreme Court in regards to the ongoing issues at 140 Broadway. On September 28, 2017 neither the owner of record nor the Bank appeared before the Court. A Decision and Order was issued

by the assigned by the judge. The owner has 10 days to provide an engineered stamped plan to the village Code Enforcement office. These plans need to include repairs to the roof and exterior to prevent water, snow and ice from gaining access to the interior and structural elements of the building. If the owner fails to comply with the Courts directive, the Village can step in to make necessary emergency repairs to the building. As a matter of good business practices, Attorney Fuller recommended the Village get a couple of quotes, then move forward with stabilizing the building. A discussion was held.

52 BROADWAY

The property located at 52 Broadway has had ongoing code violations. The owner recently went to Court, pleaded guilty and was given a \$750.00 fine. As of this meeting, the owner has failed to remedy the situation and there are now three (3) unlicensed vehicles on the property.

GENERAL ELECTRIC COMPANY ¹

STIPULATION OF SETTLEMENT, ORDER AND JUDGEMENT

GE has challenged the assessments for each of the years 2009 through 2016. In Washington County, State of NY Supreme Court the following settlement was outlined for each of the entities involved;

Fort Edward Union Free School District	\$1,855,000.00
Washington County	\$ 700,000.00
Town of Fort Edward	\$ 400,000.00
Village of Fort Edward	\$ 400,000.00

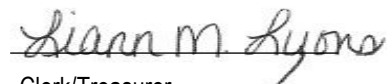
The Village is required to pay \$200,000.00 to GE on or before December 1, 2017 and the balance of \$200,000.00 is due on or before August 1, 2018. Attorney Fuller discussed with the Board that this settlement is a flat fee and there will be no going back to look at assessed value. A discussion was held which resulted in moving for the adoption of Resolution 42 as outlined above.

52 BROADWAY

Trustee Williams updated the Board on the second annual Locktoberfest which is scheduled for Saturday, October 14, 2017 at the Canal Street Marketplace. There are about thirty (30) vendors signed up to participate, four (4) music acts and six (6) vendors for the beer garden. The kids events will be moved from the Yacht Basin to the Marketplace and the selection of kid's events will be smaller this year. Trustee Williams stated that it was difficult to be that spread the volunteers out between the Yacht Basin and Marketplace.

There being no further business, at 8:25pm, a motion to close the meeting was made by **Trustee Carpenter**, seconded by **Trustee Conlon**. All ayes. Motion carried.

Respectfully Submitted,



Clerk/Treasurer

Dated: October 4, 2017