

Village Board of Trustees  
 Regular Meeting  
 April 3, 2023

MAYOR TRAVER CALLED THE MEETING TO ORDER AT 7:00 PM AND LED THE PLEDGE OF ALLEGIANCE

Roll Call	Trustee Boucher, Trustee Carpenter, Trustee Williams Trustee Cutler
Absent	
Police	
Code	Dave Armando
Attorney	Matthew Fuller
Water	
Clerk	Janelle Rose
Public	Frank Burkhardt, Nasrene Haj, Andrew Percetti, Mike & Melanie Dickinson, Jim Thatcher, Pat Mullen, Jeanie Mullen, Steve Davie, Elaine Aiken, Rich Aiken, Jan Coons, John Gugliamo

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

**MINUTES – March 6, 2023**

A MOTION TO ACCEPT THE FOLLOWING MONTHLY MINUTES WAS MADE BY:  
 Trustee **Carpenter**, SECONDED BY Trustee **Williams**.

*All Ayes. Motion Carried.*

**REPORTS - March 2023**

A MOTION TO ACCEPT THE FOLLOWING MONTHLY REPORTS WAS MADE BY:  
 Trustee **Cutler**, SECONDED BY Trustee **Boucher**.

**Clerk/Treasurer, Village Justice, Police Chief, Street, Water Department, Code Enforcement.**

*All Ayes. Motion Carried.*

**AUDIT OF BILLS**

Accept the Audit of Monthly Bills  
 MOTION BY Trustee **Carpenter**, SECONDED BY Trustee **Cutler**.

*All Ayes. Motion Carried.*

<u>Fund</u>	<u>Abstract #11</u>	<u>PBA #11</u>
General Fund	\$24,875.80	\$11,151.08
Water Fund	\$15722.83	\$2,513.73

**NEW BUSINESS**

**Resolution # 26 of 2022-2023 – Approve and authorize agreement with county for police protection services.**

A motion was made by **Trustee Carpenter**, seconded by **Trustee Cutler**.

**WHEREAS**, the Board of Trustees of the Village of Fort Edward adopted a local law, subject to permissive referendum, dissolving the police department; and

**WHEREAS**, the Mayor of the Village has negotiated a proposed agreement with the Washington County Sheriff and Washington County for the providing by the Washington County Sheriff's office of police protection services to the Village; and

**WHEREAS**, pursuant to New York General Municipal Law §119-0, the Village may enter into such agreement with Washington County for such services; and

**WHEREAS**, the Board of Trustees finds that the proposed agreement with Washington County and the Washington County Sheriff for police protection services to be in the best interests of the residents and taxpayers of the Village, and wishes to authorize the Mayor to finalize negotiation and execute such agreement with Washington County.

**NOW, THEREFORE BE IT**

**RESOLVED**, that the Board of Trustees finds that entering into an agreement with Washington County and the Washington County Sheriff for police protection services for the Village is in the best interests of the residents and taxpayers of the Village; and be it further

**RESOLVED**, that the Mayor is authorized to finalize negotiations with Washington County and the Washington County Sheriff concerning such police protection services and to thereafter execute an agreement with Washington County and the Washington County Sheriff, and to take such further actions to coordinate police protection services with the Washington County Sheriff, including but not limited to coordinating equipment and materials of the former Village police department that may be of use to the Washington County Sheriff; and be it further

**RESOLVED**, that this resolution shall take effect immediately upon expiration of the permissive referendum period for the local law for the dissolution of the Village police department, and if such referendum is petitioned, any agreement with Washington County and the Washington County Sheriff shall be postponed pending the outcome of any such permissive referendum, if properly petitioned, or future resolution of the Board of Trustees.

- **PRESENT:**
- **AYES:** Trustee Williams, Trustee Carpenter, Trustee Boucher, Trustee Cutler
- **NAYS:**
- **ABSENT:**

All Ayes. Motion Carried.

**Resolution #28 of 2022-2023 – Appointment of one (1) Part Time Crossing Guard**

A motion was made by **Trustee Boucher**, seconded by **Trustee Williams**.

**WHEREAS** Michael Girard having been the alternate crossing guard since 2019 has expressed his interest for the position of Part-Time Crossing Guard; and

**WHEREAS**, Chief Lindsey has recommended the hiring of Michael Girard as a Part-Time Crossing Guard and;

**NOW THEREFORE BE IT RESOLVED**, the Board of Trustees does hereby approve Michael Girard as Part-Time Crossing Guard at a rate of \$14.20/hour . This resolution shall take effect immediately.

All Ayes. Motion Carried.

**Resolution #29 of 2022-2023 – Resignation of PT Deputy Clerk, Peter Amorosi**

A motion was made by **Trustee Cutler**, seconded by **Trustee Carpenter**.

All Ayes. Motion Carried.

**WHEREAS** Peter Amorosi was hired on September 4, 2018, to be the Village Clerk; and

**WHEREAS** Peter retired as Clerk-Treasurer on September 6, 2022, and sat as the Deputy Clerk for the Village since; and

**WHEREAS** the Fort Edward Village Board does hereby accept the retirement/resignation of Peter Amorosi effective April 7<sup>th</sup>, 2023, and extends their appreciation to him for his service to the Village of Fort Edward.

All Ayes. Motion Carried

**Resolution #30 of 2022-2023 – Facility Use Permit, FE Youth Baseball Organization**

A motion was made by **Trustee Williams**, seconded by **Trustee Cutler**

**WHEREAS** the Fort Edward Village Board does hereby acknowledge receipt of the Facility Use Permit and supporting documentation from the Fort Edward Youth Baseball organization; and

**NOW THEREFORE BE IT RESOLVED**, the Fort Edward Village Board does hereby grant the Youth Baseball organization, permission to use the Fort Edward baseball field located at the Fort Edward Little League Park and Mullen Park if necessary.

All Ayes. Motion Carried

**Resolution #31 of 2022-2023 – Peddling & Soliciting Permit, Mr. Ding-A-Ling**

A motion was made by **Trustee Boucher**, seconded by **Trustee Carpenter**

**WHEREAS** the Fort Edward Village Board does hereby approve the Peddling & Soliciting permit for Mr. Brian Collis who operates Mr. Ding-A-Ling Ice Cream; and

**WHEREAS** the approved days of operation are Monday - Sunday and the hours of operation are 11:00AM to 9:00PM from April to October; and

**WHEREAS** the applicant will not be able to work in the Village of Fort Edward during Locktoberfest

in October.

All Ayes. Motion Carried

**Resolution #32 of 2022-2023 – Authorization to pay Washington County back for make-whole payment for 138-140 Broadway.**

A motion was made by **Trustee Williams**, seconded by **Trustee Cutler**

**WHEREAS** the Village of Fort Edward is desirous of entering into a memorandum of agreement regarding the properties in exchange for a transfer of ownership and

**WHEREAS** the Fort Edward Village Board does hereby authorize the clerk to pay back Washington County Treasurer in the amount of \$14,141.99 which is the make whole payment for 138-140 Broadway and

**NOW BE IT RESOLVED** this resolution will take effect immediately.

All Ayes. Motion Carried

**Resolution #33 of 2022-2023 – Bond Resolution**

A motion was made by **Trustee Carpenter**, seconded by **Trustee Boucher**

**A resolution authorizing, subject to permissive referendum, the issuance of an additional \$3,257,836 Bonds of the village of Fort Edward, Washington County, New York, to pay part of the cost of the construction of improvements to and reconstruction of the villages water storage and distribution system, in and for said village.**

**WHEREAS**, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to 6 NYCRR Part 617.5(c)(2) of the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which it has been determined as provided therein, will not have any significant adverse effect on the environment; and

**WHEREAS**, the Board of Trustees of the Village of Fort Edward, Washington County, New York, on June 20, 2017, duly adopted a bond resolution authorizing the issuance of \$4,611,164 bonds of said Village to pay the cost of the construction of improvements to and reconstruction of the Village's water storage and distribution system, including reconstruction of the water storage tank at existing site, booster station improvements and replacement of water mains, including original furnishings, equipment, machinery,

apparatus, appurtenances, and incidental improvements and expenses in connection therewith, in and for Village of Fort Edward, Washington County, New York, and

**WHEREAS**, it has now been determined that the maximum estimated cost of such class of objects or purposes is \$7,869,000, an increase of \$3,257,836 over that previously authorized; and

**WHEREAS** it is now desired to authorize the issuance of an additional \$3,257,836 bonds of said Village for such class of objects or purposes to pay a portion of the cost thereof; **NOW, THEREFORE**,

**BE IT RESOLVED**, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Fort Edward, Washington County, New York, as follows:

**Section 1.** For the class of objects or purposes of paying additional costs of the construction of improvements to and reconstruction of the Village's water storage and distribution system, including reconstruction of the water storage tank at existing site, booster station improvements and replacement of water mains, in and for the Village of Fort Edward, Washington County, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, including water main extension, original furnishings, equipment, machinery, apparatus, appurtenances, existing tank demolition, and incidental improvements and expenses in connection therewith, there are hereby authorized to be issued an additional \$3,257,836 bonds of the Village of Fort Edward, Washington County, New York, pursuant to the provisions of the Local Finance Law.

**Section 2.** It is hereby determined that the maximum estimated cost of such class of objects or purposes is now determined to be \$7,869,000, which class of objects or purposes is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof is as follows:

- a) by the issuance of the \$4,611,164 bonds of said Village authorized to be issued pursuant to bond resolution dated and duly adopted June 20, 2017; and
- b) by the issuance of the additional \$3,257,836 bonds of said Village authorized to be issued pursuant to this bond resolution.

**PROVIDED, HOWEVER**, that to the extent that any Federal or State grants-in-aid are received for such class of objects or purposes, the amount of bonds to be issued pursuant to this resolution shall be reduced dollar for dollar

**Section 3.** It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty (40) years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law, calculated from the date of the first obligations issued against said June 20, 2017, bond resolution.

**Section 4.** The faith and credit of said Village of Fort Edward, Washington County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Village a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

**Section 5.** Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

**Section 6.** The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the Village Treasurer shall deem best for the interests of said Village, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Village Treasurer shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Village Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

**Section 7.** All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be

determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

**Section 8.** The Village Treasurer is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Village in the event of the sale of same to the New York State Environmental Facilities Corporation.

**Section 9.** The power to issue and sell notes for said class of objects or purposes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Village Treasurer. Such notes shall be of such terms, form and contents as may be prescribed by said Village Treasurer consistent with the provisions of the Local Finance Law.

**Section 10.** The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

**Section 11.** This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the

permanent funding of the object or purpose described herein.

**Section 12.** Upon this resolution taking effect, a summary thereof shall be published in the official newspaper, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**Section 13.** This resolution is adopted subject to permissive referendum.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

The resolution was thereupon declared duly adopted.

**Roll Call:**

Trustee Carpenter	Aye
Trustee Cutler	Aye
Trustee Williams	Aye
Trustee Boucher	Aye
Mayor Traver	Aye

**Resolution #34 of 2022-2023 – Surplus property and police miscellaneous items**

A motion was made by **Trustee Boucher**, seconded by **Trustee Williams**

**WHEREAS** the Board of Trustees agrees to surplus village owned property at 50 East Street and West Summit Street as well as police miscellaneous items; and

**WHEREAS** the Village of Fort Edward reserves the right to reject any and all bids for items sold.

**NOW THEREFORE BE IT RESOLVED** this resolution shall take effect immediately.

All Ayes. Motion Carried.

**Resolution #35 of 2022-2023 – Authorize the mayor to send letter of support to WWIDA**

A motion was made by **Trustee Cutler**, seconded by **Trustee Boucher**

**WHEREAS** the Warren-Washington Counties IDA have been engaged with the village pertaining to the needs of drinking water at the site, and

**WHEREAS** the southeast portion of the Canalside Energy Park is located within the village boundaries and as the municipality that maintains land use control in this jurisdiction the village is willing to work with the WWIDA on the review of these improvements made by the WWIDA to ensure proper infrastructure is in place for the Canalside Energy Park, and



**WHEREAS** the Village Board of Trustees agree to allow the mayor to send a letter of support, and

**NOW THEREFORE BE IT RESOLVED** this resolution shall take effect immediately.

All ayes. Motion Carried

#### **OTHER BUSINESS**

- **Case Street** – Trustee Cutler asked about Brian Hurlburt covering Case Street with Mike Girard and stated it's beneficial to have two on Case Street. Trustee Boucher and Trustee Cutler have been meeting with the school officials to come up with a better solution for the congestion on Case Street as well as cars not following the traffic laws there. They are thinking of reducing the speed to 10mps on Case Street and possibly moving the crosswalk. Trustee Williams explained how John Huggins from GFH has been helping us with grants to purchase safety items for the village. We have a solar powered light flashing yield sign in which the board wants to install on Case Street at the larger crosswalk. Trustee Boucher mentioned flexible pylons that bend would make sense where the double lines are on Case St. so no cars will cross over.
  
- **West Summit Street** – An interested resident, Elaine Aiken, noticed Pat Mullen being on the property a lot, so she called the village office and spoke with the clerk, Janelle Rose. Janelle explained that he owns 13 West Summit and is interested in the property next to it which is owned by the village. Elaine asked how this took place and was it listed for sale. Janelle explained that it is not listed, the board was approached as an inquiry. Janelle advised Pat to come to the next board meeting to discuss it with them. This information was also passed along to Elaine. Elaine asked, "how is it fair for him to buy it when there are others interested?" Janelle then suggested she come to the next board meeting as well so a discussion could take place with the board. Another concerned resident, John Gugliamo discussed with the board that there are concerns with that embankment by his house. He has a sink hole in his garage and notices a shift in the land. There is also a very large sink hole in the road. The mayor explained that our storms are worse now than before and the runoff is worse, causing the land to be affected in this way. The mayor also said that what the residents are living on could be fill as the land developed and could be another reason for sink holes. There are a lot of springs up there and rainstorms. The water is going in a lot of different directions and areas these days. The mayor is going to have our engineer look at the location of the land which is made up of sand and soil. There is no clay. Frank Burkhardt mentioned that it would be nice to have surrounding property owners notified should it be for sale as he thinks that is courteous to do so. Pat Mullen stated he is not looking to do anything but make the property look nice. He already owns 13 West Summit and thinks having that piece of property as well will benefit him. Dave Armando stated that before he can clear any of that property as well as his at 13 West Summit, he needs to get a SWWPP to do so. Trustee Boucher asked Pat "in the grand scheme of things, are you looking to purchase the village parcel to get to your property?" Pat has no access to his property without accessing village property. Pat said he realized he would need an easement or right of way. The board decided to accept bids for the property as now there are more homeowners interested. Pat Mullen mentioned that if he spends money on a survey and appraisal, and someone else outbids him, he's out all that money. The mayor and board agreed that if they accept bids, an appraisal isn't needed. The board will surplus the property so it can be sold. Attorney Fuller stated that an appraisal, survey and offers need to come before the board with anyone interested in purchasing the property.
  
- **Water Project/Tower** – The water tower that is currently on Burgoyne Ave needs to be cleaned and painted inside and out and the board was quoted over \$700k a few years ago. A new water tower is

approx. \$1.4 million. Additional funding is needed, and the board is putting in for another grant with Jim Thatcher. There are a lot of funds with the Office of Community & Renewal. Jim Thatcher is working on an income survey for the location in the upper quadrant. Burgoyne Ave, Cooper Street, Prospect Street, Grove Street, Summit Street, Harrison Ave. The board agreed to give LaBella the go ahead to order the water tower. Groundbreaking should start in the spring of 2024. The mayor explained that this project has been needed for a while now. Our last payment for the water plant which is 25 years old is coming up this July and the village borrowed over \$5 million for the project. The first payment for this new project would be in 2024. Trustee Cutler has been meeting with Jim Doty a neighboring property owner next to the tower. For the village to replace the tower, we need to acquire some land to erect the new one before removing the old one. We need approximately 50ft x 130ft. Jim Doty has agreed to sell a portion of his property to the village for \$6,000.00. Trustee Cutler said that we are about 4 months out for the engineering to be done. Attorney Fuller informed the board that to acquire the property, we need to have LaBella assist in the surveying of the land. Then we will need to have a contract drawn up.

- **Yacht Basin-Glamping** – The mayor and majority of the board are in favor of the glamping pilot program in the yacht basin in the village of Fort Edward. Trustee Carpenter explained that the southern tip of the island would be ideal for a glamp ground. There is no infrastructure there currently though. Andrew Percetti, the owner of the business, agrees as well that it is a more secluded area for camping. Trustee Williams asked if Andrew could explain his idea to the public. There will be 4 tents set up, staff there to operate them and they will also ensure that our bathhouse is clean and fully stocked with supplies. There will be 2 beds per tent. Andrew mentioned that there would be packages for purchase to go along with the tent rentals. Andrew is also contracting with Schuylerville marina as well to put some units there. Andrew is confident this will be successful, especially with the packages he wants to provide which include: \$189/night which includes kayak rental, voucher for SlickFin Brewery and the Anvil Inn. The tents will be 20-30 ft apart from each site. Trustee Carpenter said that Fort Edward is the most historic location around. Attorney Fuller mentioned that some things need to be investigated with the Yacht Basin property to ensure it is not considered or zoned a “park” in the village.
- **Yacht Basin Bandstand** - The mayor is working on getting a set of drawings of the structure of the band stand project. Hopefully, we can get some help with funding from Stewart’s and Irving Tissue.
- The mayor received a letter from the Town of Kingsbury thanking the village DPW on their assistance with clearing some snow this past winter.
- **Mullen Park** – Trustee Boucher has been working on quotes to resurface and fix our courts in the park. He is finalizing the quotes and the board will have a special meeting to discuss the quotes and choose the best candidate for the job. The mayor asked if it makes sense to also use some of the money to get new backboards for the basketball courts.
- **CHPE** – The mayor was contacted by the IDA about the laydown yard with materials and cables for the project. Sean Doty with KSPE is working on this for the village.
- **Annex Building** – The proposal to give the Town and Village the annex building is moving forward and will be put on the school voting ballot for 2023. The use of the building will be for the Town, Village and FE Historical archives as well as a possible meeting location for the public. It is approximately 1 acre.
- **East Street, lower end** – Mike Dickinson inquired about what is going on on East Street. NYS Canal Corp is preparing to repair the culvert as they did on Baldwin Avenue.
- **50 East Street** – Mike Dickinson asked where the board was at with the sale of 50 East Street. The mayor explained that we have not yet received a formal offer from Nefke. The village attorney will draw up conditions to share with Nefke so he can provide an offer/contract to the village.

A motion to adjourn was made by **Trustee Carpenter**, seconded by **Trustee Williams** at 9:30 pm.  
All ayes. Motion Carried.

Respectfully Submitted,

Janelle M. Rose, Clerk-Treasurer  
April 3, 2023