

**Village Board of Trustees  
Regular Meeting  
Tuesday, July 5, 2016**

**MAYOR TRAVER CALLED THE MEETING TO ORDER AT 7:00PM**

<b>Roll Call</b>	Trustee Conlon	Trustee Williams	Trustee DeVoe	Mayor Traver
<b>Absent</b>	Trustee Carpenter			
<b>Attorney</b>	Matthew Fuller, Esq.			
<b>Code</b>	Dave Armando			
<b>Public</b>	Jeanie Mullen	Jonathan Fleury	Brenda Freeborn	Nina Palmer
	Jan Peterson	Brodie Etu, Highway	Tom Wolf, Highway	
	Jim Thatcher, CT Male			

MAYOR TRAVER LED THOSE PRESENT IN THE PLEDGE OF ALLEGIANCE.

**MINUTES**

A motion to accept the monthly meeting minutes for the following dates was made by Trustee Conlon, seconded by Trustee DeVoe.

Monthly Meeting      June 6, 2016

Special meeting      June 7, 2016

**All ayes. Motion carried.**

**REPORTS**

A motion to accept the following monthly reports was made by Trustee DeVoe, seconded by Trustee Williams.

Clerk/Treasurer      Village Justice      Code Enforcement      Highway Department

Groundskeeper      Police Chief      Water Department

**All ayes. Motion carried.**

Trustee Williams complimented Dave Armando on the amount of work that he did this month on code enforcement. In addition, he asked about Mr. Pikes property on Lower Broadway. Dave Armando stated that there are couple of properties that are scheduled to go to court this week. He does have to do follow up inspections on these properties.

**RESOLUTIONS**

RESOLUTION #13

APPOINTMENT OF VILLAGE CLERK

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

***WHEREAS, the Fort Edward Village Board, effective July 4, 2016, does hereby appoint Liann M. Lyons to the position of Clerk-Treasurer at a rate of pay of \$900.00/week***

**All Ayes. Motion carried.**

RESOLUTION #14

APPOINTMENT OF FAIR HOUSING OFFICER

MOTION BY TRUSTEE DEVOE, SECONDED BY TRUSTEE CONLON WHICH STATES:

**WHEREAS**, the Fort Edward Village Board does hereby adopt the Fair Housing Law for the Village of Fort Edward, and

**WHEREAS**, the Fair Housing Notice was previously published in the Post Star. The Fair Housing Officer for the Village of Fort Edward is Liann M. Lyons.

**All Ayes. Motion carried.**

RESOLUTION #15

SHORT FORM EAF FOR THE PURCHASE OF 2017 FORD INTERCEPTOR

A MOTION WAS MADE BY TRUSTEE WILLIAMS, SECONDED BY TRUSTEE DeVOE WHICH STATES:

**Whereas**, The Board has reviewed the short EAF and after taking a hard look at the potential environmental impacts, hereby issues a negative declaration pursuant to SEQRA.

**All Ayes. Motion carried.**

RESOLUTION #16

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$40,000.00 AGGREGATE PRINCIPAL AMOUNT OF SERIAL BONDS OR A STATUTORY INSTALLMENT BOND OF THE VILLAGE OF FORT EDWARD TO PAY THE COSTS FOR THE PURCHASE OF A 2017 FORD UTILITY INTERCEPTOR FOR THE VILLAGE POLICE DEPARTMENT AND AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES OF THE VILLAGE OF FORT EDWARD FOR THE AFORESAID PURPOSES AND IN CONNECTION THEREWITH

A MOTION WAS MADE BY TRUSTEE WILLIAMS, SECONDED BY TRUSTEE DeVOE WHICH STATES:

**WHEREAS**, after due deliberation thereon, the Board of Trustees (the "Board") of the Village of Fort Edward (the "Village") desires to undertake a project consisting of the purchase of a 2017 Ford Utility Interceptor for the Village Police Department and, related improvements and other incidental costs (the "Project") and

**WHEREAS**, the Village, upon due consideration previously determined this action to be an Unlisted Action and pursuant to Part 617 of Title 6 of the NYCRR and after taking a hard look at the project issued a Negative Declaration and declared that the action does not have a significant impact on the environment and that no further environmental review is required; and

**WHEREAS**, the total estimated cost of the Project is Forty Thousand and 00/100 Dollars (\$40,000.00) which is the responsibility of the Village; and

**WHEREAS**, in order to finance the costs associated with the Project, the Village desires to issue notes or serial bonds or a statutory installment bond, in lieu of serial bonds, in the aggregate principal amount of Forty Thousand and 00/100 Dollars (\$40,000.00); and

**WHEREAS**, no other bond anticipation notes have been previously authorized or issued in anticipation of the issuance of serial bonds authorized by this resolution and the bond anticipation notes authorized by this resolution will not serve to renew any other existing bond anticipation notes.

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

**Section 1.** The specific object and/or purpose of the Project for which the obligations authorized by this Resolution are to be issued is the purchase of a 2017 Ford Utility Interceptor for the Village Police Department and related improvements and other incidental costs, all of which are hereby authorized at a maximum estimated cost Forty Thousand and 00/100 Dollars (\$40,000.00).

**Section 2.** The initial financing of the Project shall be undertaken by the Village through the issuance of a bond anticipation note or notes in accordance with and pursuant to the Local Finance Law of the State of New York in an amount not to exceed Forty Thousand and 00/100 Dollars (\$40,000.00). The Village hereby authorizes any bonds, including a statutory installment bond, in lieu of serial bonds, to be issues for this Project in an amount not to exceed Forty Thousand and 00/100 Dollars (\$40,000.00). In addition, the Village further authorizes any obligations issued hereunder to be secured in connection with any Federal or State issued grant(s) or loan(s).

**Section 3.** The Village hereby authorizes the mayor of the Village (the “Mayor”) to utilize funds held within the Fund and within the Budget for the purpose of payment of services rendered in connection with the Project and further authorizes the Mayor to repay any funds expended from the Fund with funds borrowed in connection with any bond anticipation note or bonds, including statutory installment bonds, issued pursuant to and authorized by and through this bond resolution.

**Section 4.** There are hereby authorized to be issued bond anticipation notes (“Notes”), including the renewal of such Notes, for the aforesaid specific objects or purposes in amounts up to but not exceeding the maximum amount of the Bonds herein authorized. Any such Notes issued shall be approved as to form and executed by the Mayor, and issued in anticipation of the sale of the Bonds herein authorized.

**Section 5.** It is hereby determined that the period of probable usefulness of the aforesaid specific objects or purposes is five (5) years pursuant to Section 11.00(a)(29)(a) of the Local Finance Law.

**Section 6.** The full faith and credit of the Village is hereby irrevocably pledged for the payment of the principal of and interest on any Bonds or Notes issued in connection with this bond resolution, as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of, and any interest, if applicable, on the Bonds or Notes becoming due and payable in such years.

**Section 7.** The maximum maturity of the Bonds shall not exceed the periods of probable usefulness set forth above and shall mature on or before the date of the expiration of the aforesaid periods of probable usefulness as measured from the date of the Bonds or from the date of the first bond anticipation note issued in anticipation of the sale of such bonds, whichever date is earlier. If deemed necessary by the Mayor, the Bonds or Notes to be issued hereunder may be issued in two or more separate series. The maturity of the Bonds issued in connection with this bond resolution will NOT exceed five (5) years.

**Section 8.** Any Notes or Bonds issued hereunder shall be payable from the proceeds derived from the issuance and or sale of the Bonds authorized herein or otherwise redeemed in the manner provided by Section 23.00 or Section 62.10 of the Local Finance Law.

**Section 9.** There are no bond anticipation notes or Bonds outstanding which have been previously issued in anticipation of the sale of the Bonds authorized herein.

**Section 10.** Subject to the provisions of the Local Finance Law, the power to issue and sell the Bonds and/or Notes, including all powers and duties pertaining or incidental thereto, is hereby delegated to the Mayor of the Village, except as herein provided. The Bonds and/or Notes shall be of such terms, form and content, and shall be sold in such manner, whether by public or private sale, as may be determined by the Mayor, pursuant to Local Finance Law, this resolution and any further resolution which the Board may hereafter adopt. The Mayor is authorized to execute and deliver any documents and to take such other action as may be necessary and proper to carry out the intent of the provisions of this resolution, including any resolutions, contracts or authorizations necessary to secure any Federal or State issued grant(s) or loan(s).

**Section 11.** The exact date of issue of the Bonds and/or Notes and the exact date upon which the same shall become due and payable shall be fixed and determined by the Mayor, provided however, that the maturity of said Notes or renewals thereof shall not exceed one year from the Note's or renewal's date of issue except as permitted by the Local Finance Law.

**Section 12.** The Mayor shall prepare, or cause to be prepared, such Bonds and/or Notes and sell the same in accordance with the applicable provisions of the Local Finance Law, and at such sale shall determine the interest rate to be borne by such Bonds and/or Notes, whether fixed or variable.

**Section 13.** The proceeds of the sale of the Bonds and/or Notes shall be deposited and/or invested as required by Section 165.00 of the Local Finance Law, and the power to invest the proceeds of sale is hereby delegated to the Mayor and the power to invest in any instruments described in the said Section 165.00 is expressly granted.

**Section 14.** To the extent that it is permitted to do so under the Internal Revenue Code of 1986, as amended (the "Code"), the Issuer hereby designates the Bonds and/or Notes as "qualified tax-exempt obligations" under Section 265(b)(3) of the Code. The Issuer hereby covenants that it will (i) take all actions on its part necessary to cause interest on the Bonds and/or Notes be excluded from gross income for purposes of Federal income taxes and (ii) refrain from taking any action which would cause interest on the Bonds and/or Notes to be included in gross income for purposes of Federal income taxes.

**Section 15.** Pursuant to Section 36.00(a)(1) of the Local Finance Law, this resolution is not subject to permissive referendum.

**Section 16.** The validity of such Bonds and/or Notes (collectively "Obligations") may be contested only if:

- (1) Such Obligations are authorized for an object or purpose for which the 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 with twenty (20) days after the date of such publication, or
- (3) Such Obligations are authorized in violation of the provisions of the constitution.

**Section 17.** This resolution, or a summary hereof, shall be published in full in the *Post Star*, which has been designated as the official newspaper of the Village for such purpose, together with a notice of the Clerk of the Village in substantially the form provided in Section 81.00 of the Local Finance Law.

**Section 18.** The adoption of this Resolution is considered an action under the New York State Environmental Quality Review Act (SEQRA). The Village previously determined the action to be an Unlisted action, and after taking a hard look at the project issued a Negative Declaration and declared that the action does not have a significant impact on the environment and that no further environmental review is required and hereby reaffirms said declaration.

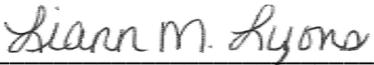
**Section 19.** This resolution shall take effect immediately.

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

<u>Voting:</u>	<u>Ayes:</u>	<u>Nays:</u>	<u>Abstain:</u>	<u>Absent:</u>
Matthew Traver, Mayor	<u>X</u>	___	___	___
Tracy Conlon, Trustee	<u>X</u>	___	___	___
Peter Williams, Trustee	<u>X</u>	___	___	___
Darlene DeVoe, Trustee	<u>X</u>	___	___	___
Edward Carpenter, Trustee	___	___	___	<u>X</u>

The foregoing resolution was thereupon declared duly adopted.

[Seal]

  
 \_\_\_\_\_  
 Liann M. Lyons, Village Clerk  
 Village of Fort Edward

**RESOLUTION #17**

GLENS FALLS NATIONAL BANK AS LENDING INSTITUTION FOR PURCHASE OF 2017 FORD EXPLORER  
 MOTION BY TRUSTEE DEVOE, SECONDED BY TRUSTEE CONLON WHICH STATES:

**WHEREAS**, the Fort Edward Village Board, in the 2016-2017 budget, planned for the purchase of a new police vehicle; and

**WHEREAS** the Board has authorized the purchase of a 2017 Ford Explorer from VanBortel Ford at a cost not to exceed \$40,851.43; and

**NOW THEREFORE BE IT RESOLVED**, the Board does hereby direct the Clerk-Treasurer to procure financing from Glens Falls National Bank and authorizes Mayor Traver to execute financial documents pertaining to this purchase.

**All Ayes. Motion carried.**

Should the option to purchase the Ravo 5i Series street sweeper from the piggyback bid from the Village of Williamsville not be allowed, as determined by the village attorney, RESOLUTION #18 of 2016 was passed to allow the village to move forward with bid process.

**RESOLUTION #18**

RESOLUTION AUTHORIZING THE VILLAGE TO GO OUT TO BID FOR A RAVO 5i SERIES MACHINE\*

MOTION BY TRUSTEE DEVOE, SECONDED BY TRUSTEE CONLON WHICH STATES:

**WHEREAS**, the street sweeper, owned by the village and operated by the street department is about twenty years old and recently broke beyond repair, and

**WHEREAS**, the Village of Fort Edward has been designated by the State of NY as a MS4 community, therefore has an active stormwater management program which reduces the contamination of stormwater runoff and prohibits illicit discharges, and

**WHEREAS**, keeping the village streets clear of debris is a necessary in order to comply with MS4 regulations; and

**NOW THEREFORE BE IT RESOLVED**, the Board of Trustees does hereby authorized the village to go out to bid for a Ravo 5i Series street sweeper.

**All Ayes. Motion carried.**

*\*= see below for complete discussion on Resolution #18*

**AUDIT OF BILLS**

A motion by Trustee DeVoe, seconded by Trustee Conlon to accept the Audit of Bills as follows:

<b>General Fund</b>	#12ap	19,286.17	<b>General Fund</b>	#2	21,222.35
<b>General Fund</b>	#12PBA	6274.06	<b>General Fund</b>	#2PBA	747.78
<b>Water Fund</b>	#12ap	65,422.39	<b>Water Fund</b>	#2	413.10
<b>Water Fund</b>	#12PBA	1,570.22	<b>Water Fund</b>	#2PBA	255.96
<b>Air Stripper</b>	#12ap	16,123.98	<b>Air Stripper</b>	#2	0.00
<b>Air Stripper</b>	#12PBA	493.45	<b>Air Stripper</b>	#2PBA	108.33
<b>Marketplace</b>	#12ap	402.70	<b>Oak Ridge</b>	#2	138.38
			<b>Marketplace</b>	#2	13,100.00

**OTHER BUSINESS**

CDBG 2015 AUDIT

Richard Dinolfo completed the CDBG audit for the fiscal year ending 2015. This has been submitted to the State and a copy is on file in the office.

SIDEWALK PROGRAM

Mayor Traver discussed the sidewalk program. When the letters were sent out to canvas the homeowners it included language that stated if the homeowners would like the aprons to their driveways replaced, at

the their expense, the village would provide the labor. The Mayor discussed this with the Street Department. The following concerns arose:

1. This summer the village has a full schedule and to add replacing aprons onto the schedule would take up a lot of time.
2. The aprons need to be poured differently. They are much thicker than a sidewalk. The potential for long term issues, like cracking or breaking come up. If this was to happen, the village be liable for the repair.

Trustee DeVoe stated that she has a concern with the lateral to the home being replaced. The pitch of the sidewalk to meet the existing stairs has to be accounted for and if it's done incorrectly and someone falls, there could be a village issue.

The Street Department superintendent agreed with the discussion. Moving forward, the laterals and aprons will be removed from the Sidewalk Replacement Program.

#### HEALTH INSURANCE RENEWAL

Upon the September 1<sup>st</sup> renewal, the current health insurance policy offered to employees and retirees by CDPHP will no longer be available. The deadline for choosing a new health insurance plan is August 10<sup>th</sup>. Village representative, Denise Palyo from Capital Financial is able to meet with employees to discuss the health insurance plans available. Mayor Traver directed the Clerk to send a memo out to all employees, asking them for their input on meeting times. Once feedback has been received, schedule the meeting with those on village insurance, hopefully next week (07/18-07/22).

#### CODE ENFORCEMENT

At the June monthly meeting, the board discussed the possibility of taking over local control of the village code enforcement. Mayor Traver asked for input. Trustee DeVoe believes it is the right time to move forward with this. In addition to the potential building permit fees from Irving Tissue and possibly the Oaks Subdivision, Dave has the experience needed to do the job. From an applicant's perspective, the communication would be easier, making the process smoother. Trustee Williams said that Dave has the experience and is the right person to handle village code enforcement.

Mayor Traver said he would like more information on what the potential expenses are and the number of hours he would need to do this job.

Dave Armando said that he has done some research on village permits and over the last year there have been about 40 permits issued by the County. Some years have been better than others. When Irving does a project they have a Clerk of the Works on site.

Attorney Fuller said that there are specific procedures that the village would have to follow if this were to move forward. At some point the village has "opted out" of the code enforcement process and that is how the County came to be in charge of this. A couple things to consider are the village would need to coordinate "opting in" with the County. Also the village code files would need to be transferred to the village for storage and maintenance.

Mayor Traver asked Dave Armando to do some research on what has been discussed and asked if he would be able to sit down in the coming weeks to talk about this. Trustee Williams asked for a 5-year trajectory of past permits to take a look at potential income.

#### PUBLIC COMMENTS

Theresa Gallab

#### 43 Seminary Street

Ms. Gallab stated that there are several streets in the area that don't have signs; specifically, Clark's Lane, Brown's Lane, and Underwood Street. Brodie Etu stated that he would take a look at the surrounding streets and get the appropriate signs ordered.

Ms. Gallab also said that Seminary Street has a lot of people speeding around the bends. Mayor Traver said that the Police Department has an electronic sign that displays how fast cars are going. The DPW does need to build a trailer for this but hopefully we'll see this being used around the village in the coming months.

Ms. Gallab also asked if the worn down curb in front of her house could be fixed. Because of this, when there is a lot of rain, her yard floods. The village street department came in and did a temporary fix, and while that was very much appreciated, would like to know if there is a more permanent, long term solution to deal with this issue.

Trustee Williams said that this is an issue throughout the village. There is an actual machine that forms curbs and possibly this is something that the village could look at in the future. Mayor Traver stated that MS4 requires the village to clean and maintain the catch basins. Once the basin is cleaned out by her home it will be able to handle more water from heavy rains.

Ms. Gallab also brought up a boundary line dispute that she is having with the neighboring property and she was advised to handle this through the civil process.

#### JAN PETERSON LIFE COMMITTEE

The LIFE committee has received \$3,000 from Stewarts to be used for improvements at Mullen Park. She inquired as to the possibility of adding external doors to the restrooms. Ms. Peterson stated that she would like to see the bathrooms at Mullen Park be accessible at all times, not just when the recreation department is there. A discussion about the rec building and the bathrooms was held. The board said this has been researched in the past and the issue of securing the rest of the building came up then, as it did this time around. The building holds sports equipment, the director's office and a concession stand as well as rec property in the main room that needs to be secured. Trustee Williams asked about the possibility of a secured, Porta-John. That takes away the need to secure the building and accomplishes the goal of having facilities available at all times. This may be a way to meet the need a lot quicker and at a cheaper cost than removing a wall.

Mayor Traver suggested that Trustee Conlon and James Donahue get together to discuss the buildings and thoughts on the tennis courts.

Ms. Peterson asked if there were any long term plans for the park. Trustee DeVoe said that the concept plans have been done but the engineering hasn't been. Mayor Traver added, because of the underground springs, the old canal and all of the water in that area, the cost to engineer this would be significant. Tom Wolfe said that the old canal area is very overgrown and needs a lot of attention.

#### JON FLEURY 48 KING STREET

Mr. Fleury submitted a letter dated 06/24/16 which details an ongoing issue he is having with his neighbor, James Wallace. After a brief presentation about the history and current issue, Mr. Fleury was advised to continue following up with the police department. For the concern at hand, this is a civil matter and needs to be dealt with accordingly. Mr. Fleury stated that the neighbor's home is ripe for code violations.

#### HIGHWAY DEPARTMENT

##### SWEEPER

Mayor Traver stated that after looking into options for the Sweeper, going with a used one doesn't look like a good option. Tom Wolfe said there is a Ravo 5i Series street sweeper that is a non-CDL machine, with just a few moveable parts and is available on a "piggyback" quote from the Village of Williamsville. The cost is about \$190,000 +/- . This machine can be used to clean out catch basins which will allow the village to meet the MS4 requirements. Also, this particular piece of equipment can be used to suck up leaves, however it will not grid them. There is also a pressure washer attachment that costs around \$3,500 +/- that can be used clean the pavers throughout the village.

Attorney Fuller asked if he could take a look at the Williamsville bid to confirm "piggybacking" is a viable option. Mayor Traver asked the Clerk to contact the village CHIPS representative to confirm that CHIPS funding can be used while financing the remaining amount. Tom Wolfe also said if this is the way the village ends up going, while waiting for the new machine to arrive, Ravo would loan a machine for the village to use in the meantime.

The town hired their street cleaning service out to Progressive at the cost of \$3,000/time. The cost to the village would be much higher because we would need to have that service more frequently.

##### SKID STEER/TOOL CAT ATTACHMENT

The process to pick up leaves throughout the village has become extremely time consuming. There is an attachment that could significantly help speed up this process. The cost is somewhere around \$5,000. The board agreed that the department should look into this and get three written quotes.

##### LOADER

Tires for the Loader will be purchased once the work at the Marketplace is done.

##### HERITAGE DAYS

Trustee DeVoe said that Heritage Days was a huge success and complimented both the street and police departments for their efforts. The park was beautiful and clean and the police department's professional and friendly presence was positive impact on the event.

##### CHAMPLAIN CANAL TRAIL COMMITTEE

Trustee DeVoe said this committee needs a copy of the East Street Bridge resolution that was passed at the June meeting. Trustee DeVoe asked if Fort Edward would consider hosting the Committee's September meeting at the Canal Barn. Being a host community for this meeting, we would be able to layout our vision for the proposed village trail. This trail would be marked out and the Supervisors and Mayors in attendance (from Washington and Saratoga County) would be able to walk the proposed trail. After a brief discussion the board agreed to host this presentation.

##### MARKETPLACE

Askco Electric provided a quote for lights for the marketplace. Mayor Traver asked Trustee DeVoe if she could follow up with Adam DeVoe to get the quantities for each fixture.

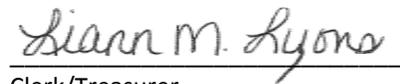
The next Marketplace meeting will be on Monday, July 20, 2016 at 6pm to discuss the grand opening event in October. Bill Switzer from the NYS Canal Corp will be in attendance.

ZOMBIE PROPERTIES

Mayor Traver said he attended a presentation by Bill Nikas to the County Board of Supervisors, in regards to zombie properties in our villages. Hudson Falls is looking into fixing up properties that have been abandoned and are negatively impacting property values in the neighborhood.

After a brief discussion on Mr. Nikas's zombie property proposal, and there being no further items of discussion, a motion to close the meeting at 9:06 was made by **Trustee DeVoe**, seconded by **Trustee Williams**. All ayes. Motion carried.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Liann M. Lyons". The signature is written in black ink and is positioned above a horizontal line.

Clerk/Treasurer

Dated: 07/29/2016