

CONDENSED MINUTES
SPECIAL BOARD MEETING
JANUARY 31, 2020

Fort Edward, New York, Friday, January 31, 2020.

The Board of Supervisors convened in special session at 10:00 AM at the County Office Building, Fort Edward, New York pursuant to rule 1 of the rules of said Board.

CHAIRMAN HALL called the meeting to order and presided.

Mr. O'Brien led the Pledge of Allegiance to the Flag.

Mrs. Clary offered the prayer.

The Clerk called the roll:

PRESENT: (17) Henke, Fedler, Ferguson, Shaw, Hall, Losaw, Hicks, Ward, O'Brien, Haff, Campbell, Skellie, Hogan, Wilson Clary, Griffith, Rozell

ABSENT: None.

The Clerk read the notice of the Special Meeting.

CHAIRMAN HALL stated this was going to be an informational meeting and introduced Peter Lopez, Regional Administrator of the Environmental Protection Agency – Region 2, to discuss making use of facilities that have been idle since the completion of the superfund project - former EPA dewatering site in Fort Edward. His goal was to find a path forward with the various stakeholders and understands that much of it lies with the development of the road access and bridge. The EPA has ownership of some of the property and his goal at the end of this engagement is to turn it over. They are also interested in seeing a former site rebuilt and create opportunity in the home community and possibly some economic opportunity, job creation. Would like to bring the stakeholders together, understand their views, discuss road access and the bridge and move on from there. The group gathered today includes the various stakeholders.

Brian Stratton, Director of the New York State Canal Corporation, stated they are happy to continue to work with the towns and the County and introduced Peter Casper, Attorney with NYPA. He stated they are committed to seeing economic development to the communities. Since they heard about WL Plastics interest in this property in November, they have put an all hands on deck approach to it and have been available to talk with WL Plastics, IDA and County at various meetings.

Assemblywoman Carrie Woerner thanked the EPA and Canal Corporation for their diligence working with us to try to get a resolution on this property. Have about one month to put a timeline in place for WL Plastics and that they will have a durable access road to finalize this project. She stated we have reached a point where some decisions need to be made and come to some conclusions.

CHAIRMAN HALL asked Mr. Lopez how he felt the concept was going to work from their agency's perspective. Mr. Lopez stated if municipal ownership of the road and bridge is desirable their first job is to convey the property now that the project has been completed either to return it to the Canal Corporation, towns or to the County. Of most importance to economic development/prospective project is the matter of permanent durable access. The operative concern as he sees it is that the company understand that they have temporary access to the property and a pathway with certainty that there is a progression to give them permanent durable access. The EPA feels they could convey the property in any of the various directions; back to Canal Corporation, towns or County.

Al Nolette, County Treasurer, explained the March 1st deadline. The IDA at their meetings has discussed the March 1st deadline is about the taxability of the property. Anything not conveyed after March 1st to a tax exempt authority will represent a third year of taxes on this property making the back due taxes \$1.2M to \$1.3M. He stated the tax lien follows the owner of the property and the current owner is Fort Edward Local Property Development Corporation.

Mr. Campbell asked about the history of the road and how that was determined. Mr. Gary Klawinski, EPA, stated his understanding was they were looking to get the trucking and traffic out of the village and they were under a tight timeframe to get access. Mr. Traver, Fort Edward Mayor, stated different options were looked at. Mr. Campbell stated we would like a through road and it is in our best interest; access from both directions Routes 196 and 197. Mr. Lopez stated they only control a certain amount of property and do not have the ability to acquire more property as they are done with the project. Mr. Campbell stated phase one is probably the road that is there but is there the ability to work together with the County to make a through road happen. This option was not on the radar screen and Assemblywoman Woerner stated a through road option has not been brought up in the recent conversations and conversations could take place going forward but the need now is to focus on the current option. She explained how the Canal Corporation transfers property to another agency of government. Mr. Stratton stated the access road is why they are here today with the March 1st timeline and the through road option would be another process. Mr. Peter Casper, Attorney NYPA, stated they have not had any opportunity to look into the through road option and there is an abandonment process to go through per the statute.

Mr. O'Brien stated the March 1st deadline has tax implications, another year of taxes would be added on, and the property cannot be subdivided until all taxes are paid making

the cost prohibitive to smaller companies coming in. Distributed WL Plastics timeline, attached. They want to find out if they have access so they can continue with their process.

Mr. Henke does not think it is reasonable to transfer the property to the towns and back to discussion of the County taking the road but one issue is it is a one way road and that might not comply with our disaster preparedness plan. Before any discussion on the County taking the road need ownership of the road that includes property owned by WCC, egress at both ends.

Supervisor Hogan stated the towns have passed resolutions, conditions are in place and there is a pathway to permanent access.

Mr. Michael O'Connor spoke on behalf of WCC. He stated there are four different pieces of the road that WCC has an interest in: Mary Webb parcel .06 acres at the very beginning of the road, another parcel runs from the drainage ditch that is owned by the town of Fort Edward north to the north end of the project, an alignment correction because the EPA taking did not follow the road or the road did not follow the EPA taking, and a small triangular piece as you go north on the road that is still owned by the Canal Corporation. WCC position is that they are willing to convey the land that they have an interest in first it was going to be the Fort Edward Local Property Development Corporation but it is now to the WW IDA. That is the quickest way to get a road. Put all the pieces back together and make it one solid road from the beginning to the end and then the towns decide if they are taking the portions within their towns or if they want someone else to take title. He stated regarding Supervisor Hogan's condition that the bridge be replaced it is his understanding that Economic Development has agreed to pay 75% of the bridge replacement cost and looking for a 25% match. Assemblywoman Woerner stated that is a little overstated. They have had conversations with the State Economic Development Agency about funding the repair/replacement of the bridge bringing up to permanency standards. The County DPW Highway Superintendent has provided an estimate of what those costs might be. Laura Oswald, Economic Development Director, is preparing the white paper that State Economic Development Agency is looking for to start the process of reviewing the application for that funding. They have given us about a three month time frame for their review. They have a positive outlook regarding the proposal but have not made a commitment. She stated Senator Little has brought NYS DOT in to do an estimate of the cost to bring the bridge up to permanency. Laura Oswald, Economic Development Director, stated the application is basically ready and stated this funding source does not have a prescribed grant match amount. Basically, they are stating make your pitch why the State should be investing in this project. She plans to demonstrate public private partnership and in order to do that what she needs is the value of the parcels that WCC is donating to the project with the assumption that the donation is in fee. The value of those parcels will effectively become the match for what the ask to the State is. She has

very clearly stated to the Board that she will not put the application in until she can demonstrate that we are not asking the County to offer any cash match.

Mr. Lopez stated from this meeting it is his understanding that the two town Supervisors have standing positions on the table and are interested in talking further.

Michael Bittel, President of the Adirondack Regional Chamber of Commerce, stated they have 760 members within twenty miles of this site and that the Chamber wants the Canal Corporation and EPA here and need their help. The business community would very much like this project to happen. He would like to get this first step done with the access road and not get bogged down with future options. Focus on what we have at hand, get more business in and help our tax base. He thanked them for their attention to this matter.

Jane Havens, member of the Kingsbury Town Board, asked several questions. Regarding Canal Corporation not wanting or taking the property, Mr. Stratton stated they are looking at the most expeditious way to get road access for this project. The portion of Canal Corporation property that the EPA took did not include the wharf and marina and that portion of the road. If the EPA transferred the road back to Canal Corporation and then Canal Corporation turned it over to the towns or County it would take longer.

Mr. O'Connor stated WCC would ask the State to recognize the value of the parcels they would convey to make the road whole as part of the matching funds. He thinks the value of those parcels would exceed even 25% of what was projected years ago for the cost of that bridge.

Supervisor Hicks applauded the towns of Fort Edward and Kingsbury for stepping forward and willing to do something to make this work. He stated the parcels on the road are owned by EPA and WCC. If EPA can convey to the towns why can't WCC rather than go through the Fort Edward Local Property Development Corporation or the WW IDA making it clean and simple.

Mr. Lopez stated there have been various conversations with separate groups and being all here together today and now they are understanding our intent and interest in moving forward. He is hearing that the towns would be the lead in terms of road acquisition and will focus conversations and energies around how that would happen. He has more of a sense of clarity.

Mr. Casper, NYPA, stated there is a small parcel, 300 square feet, that was never taken by the EPA and the Canal Corporation is willing to convey that parcel.

Supervisor Shaw asked regarding the deadline what does WL Plastic need? Mr. O'Brien stated WL Plastics needs for us to give them a comfort level to keep moving forward that there is a direct path, a permanent easement on that roadway from Rt. 196 all the way to

the facility so they can clear title. They are waiting to clear title on this and they need it soon. He asked can the EPA during this transfer process give them a permanent durable easement to Rt. 196 assuming the other parcels are cleared to that facility. Mr. Lopez stated as long as they own the property, they can give temporary access. The EPA cannot give permanent/durable access because they are not planning to own the property forever but to convey it to the towns or the County. A public road is durable access.

Mr. O'Connor asked if they could get the title to the respective towns and the two towns, he thinks have the right to give a durable access. Mr. Lopez suggested work sessions between the current owners and those entities, and new recipients of the property.

Mr. Neil Orsini, representing the Fort Edward Local Property Development Corporation, stated that Board currently owns the property and they are in negotiations with the Warren Washington Counties Industrial Development Agency to take ownership of the property by March 1st. They are hoping that the WL Plastic sale will satisfy the back taxes due on the property. They are hopeful going forward that the WW IDA will be able to successfully market the remaining 50 to 60 acres. If this does not happen by March 1st, they cannot afford another year's taxes. The FELPDC does not have any money just trying to market the property.

WL Plastics wants to know they have permanent access to the property. Questioned whether they would accept EPA's temporary access while the permanent access was being addressed. Mr. Lopez stated this conversation would best be facilitated with a smaller group which includes Empire State Development, WW IDA, Economic Development Office, respective towns, and WCC. Bring them to the table and begin to focus on what do they need to do and the path forward and then that would be communicated to WL Plastics.

Mr. Middleton, former Supervisor Town of Fort Edward, thinks one thing that is very important is the County is still going to have to decide if they are going to take the bridge until which time there is a new one.

Mr. O'Brien, Chairman of the WW IDA, stated he wanted to clarify the IDA's position at this point. The IDA has a purchase of sales agreement to buy the balance of the property left from WL Plastics. They are considering taking the entire parcel under a lease agreement or purchase transaction. They are also going to have to look at can we afford the carrying cost of that property if WL Plastics does not come in. Also need to consider any restrictive easements on that property that they cannot live with that would hamper future business.

Mr. Lopez stated they are happy to be available to meet and support the whole decision making with the government units and please advise them if there is another meeting and who the principles would be at the meeting.

The Board took a five minute recess and reconvened.

The Clerk introduced the following Local Laws:

Introductory Local Law B of 2020 – Establishing a rate schedule of charges for the discharge of sewage into the Washington County Sewer District #2 for 2020.

Introductory Local Law C of 2020 – Imposing a local mortgage recording tax on obligations secured by a mortgage on Real Property situated within the County Washington.

CHAIRMAN HALL asked that the resolutions be introduced. A motion to set aside the rules to present Resolution No. 39 was moved Mr. Campbell, seconded by Mr. Shaw and adopted. The Clerk read the resolves only starting with Resolution No. 38

Resolution No. 38 January 31, 2020 By Supervisors Skellie, Rozell, Campbell, Haff, Hicks, Fedler, Shaw, Ferguson, Wilson – TITLE: Set Time and Place for a Public Hearing on Introductory Local Law “B” of 2020.

Resolution No. 39 January 31, 2020 By Supervisor Henke – TITLE: Set Time and Place for a Public Hearing on Introductory Local Law “C” of 2020.

The Board went on to consideration of the resolutions.

Resolution No. 38, moved by Mr. Skellie and seconded by Supervisors Henke, Fedler, Shaw, Ward, Campbell, Wilson and Griffith. Discussion. Roger Wickes, County Attorney explained that the rate originally adopted was incorrect at \$421.89 and this local law indicates the correct rate of \$421.76 and repeals the prior local law adopted on January 17, 2020. Resolution No. 38 moved by Mr. Skellie, seconded by Supervisors Henke, Fedler, Shaw, Ward, Campbell, Wilson and Griffith and adopted.

Resolution No. 39, moved by Mr. Henke and seconded by Supervisors Fedler, Ferguson, Shaw, Ward, Campbell, Griffith, Rozell, Wilson and Clary. Discussion. Roger Wickes, County Attorney, explained that the State did not like the date on the original local law adopted and it has been corrected to state effective April 1, 2020 and repeals the prior local law adopted on January 17, 2020. Resolution No. 39 was moved by Mr. Henke, seconded by Supervisors Fedler, Ferguson, Shaw, Ward, Campbell, Griffith, Rozell, Wilson and Clary and adopted. Mr. Haff opposed.

SUPERVISORS COMMENTS: Supervisor Griffith mentioned a nine-year old girl in the Cambridge/White Creek area diagnosed with a rare soft tissue cancer. Locally over \$10,000 has been raised to help her and asked the Supervisors to keep her in their thoughts and prayers.

EXECUTIVE SESSION – A motion to enter an executive session to discuss the proposed acquisition of real property was moved by Mr. Campbell, seconded by Supervisors Henke, Wilson and Ward and adopted. A motion to return to regular session was moved by Mr. Hicks, seconded by Mr. O'Brien and adopted. No action taken in executive session.

CHAIRMAN HALL established a working group to work with the EPA and Canal Corporation on the former dewatering site access road. Board consensus to appoint the working group. Members of the working group are Dana Hogan, Supervisor of the town of Kingsbury, Lester Losaw, Supervisor of the town of Fort Edward, and Supervisors Hicks, Campbell, Henke and Wilson. Chairman Hall will provide the names of the members of the working group to Mr. Lopez, EPA.

A motion to adjourn was moved by Mr. Hogan, seconded by Mr. Ward and adopted. The meeting adjourned the meeting at 12:18 P.M.

Debra Prehoda, Clerk
Washington County Board of Supervisors