

MINUTES OF THE TOWN OF FORT EDWARD TOWN BOARD MEETING HELD ON MONDAY, MARCH 13, 2023 AT TOWN HALL COMMENCING AT 7:00 P.M.

Deputy Supervisor Middleton called the meeting to order at 7:00pm

Pledge of Allegiance

PRESENT: Councilman Middleton
Councilman Suprenant
Councilwoman Collier
Councilwoman Mullen

ABSENT: Supervisor Fisher

OTHERS PRESENT: Brian Brockway, Steve Davie, Katie DeGroot, James Donahue, Helen Brownell, Dick Brownell, Marla Willette (Brownell's Realtor), Frank Burkhardt, Richard Belden, Town Attorney William Nikas and Town Clerk Aimee Mahoney

APPROVAL OF MINUTES: MOTION by Councilwoman Collier, Seconded by Councilman Suprenant to approve the minutes of the meeting of February 13, 2023 **ALL AYES**

APPROVAL OF REPORTS: MOTION by Councilwoman Mullen, Seconded by Councilwoman Collier to approve the reports of the Town Clerk Monthly, Town Justice, Dog Control & Highway **ALL AYES**

APPROVAL OF BILLS: MOTION by Councilman Suprenant, Seconded by Councilwoman Mullen to approve Abstract #3 in the amount of \$82,249.22 **ALL AYES**

ABSTRACT #3

GENERAL A – 11423-11433,11444-11475	\$61,117.23
GENERAL B – 11476-11478	\$ 1,578.75
HIGHWAY – 11479-11491	\$12,037.25
MUNICIPAL – 11434-11435,11492-11495	\$ 3,095.32
SPECIAL LIGHTING – 11436-11437	\$ 22.25
SPECIAL WATER – 11438-11440,11496-11500	\$ 1,455.94
SPECIAL WATER 2 –11441-11443,11501-11502	\$ 665.73
CS ENERGY ESCROW -1-2	\$ 2,276.75

TOTAL: \$82,249.22

BUSINESS:

Councilman Middleton: It has come to my attention that we are having some computer issues and perhaps should see if we can find another company willing to do out IT for us. I am not sure what our contract says as far as terms but will send it to the Town Attorney to see what our options are if the Board agrees.

MOTION by Councilman Suprenant, Seconded by Councilwoman Collier to explore other IT companies for Town computer needs **ALL AYES**

RESOLUTIONS:

RESOLUTION NUMBER 10 OF 2023

MOTION BY COUNCILMAN SUPRENANT

SECONDED BY COUNCILWOMAN COLLIER

WHEREAS, Town Boards are required by Town Law to audit the financial records of the Town Clerk, Tax Collector and Town Justice.

NOW, THEREFORE BE IT RESOLVED, that the Fort Edward Town Board audited the financial records of the Town Justice, Town Clerk and Tax Collector for the fiscal year January 1, 2022 through December 31, 2022 at a special meeting held on January 19, 2023.

DATED: March 13, 2023

Roll Call Vote: Councilman Middleton – AYE
Councilwoman Mullen – AYE
Councilwoman Collier – AYE
Councilman Suprenant – AYE
Supervisor Fisher - ABSENT

Aimee Mahoney, Town Clerk
Town of Fort Edward

RESOLUTION NUMBER 11 OF 2023

MOTION BY COUNCILWOMAN COLLIER

SECONDED BY COUNCILMAN SUPRENANT

Retirement- Amended Standard Work Day and Reporting Resolution

BE IT RESOLVED, that the Town of Fort Edward hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body:

ELECTED OFFICIALS					
TITLE	NAME	STANDARD WORK DAY (HRS/DAY)	TERM BEGINS/ENDS	EMPLOYER RECORD OF TIME WORKED (Y/N)	Days/Month (based on Record of Activities)
Town Clerk	Aimee Mahoney	6	01/01/2020-12/31/2023	N	23.32
Town Supervisor	Timothy Fisher	4	01/01/2022-12/31/2023	Y	10

I, Aimee Mahoney, Clerk of the governing board of the Town of Fort Edward, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 9th day of January, 2023 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of five (5) members, and that of such members were present at such meeting and that five (5) of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto
SET my hand and the seal of the
TOWN OF FORT EDWARD.

Location Code: 30504

Employer Name: Town of Fort Edward

Affidavit attesting that the Standard Work Day and the Reporting Resolution was posted and available to the public for a minimum of 30 days.

State of New York
County of Washington

Aimee Mahoney, being duly sworn, deposes and says:

1. That she is the Town Clerk of the Town of Fort Edward.
2. That the posting of the Resolution began on January 9th, 2023 and continued for at least 30 days.
3. That the Resolution was posted and available to the public on the (please check one):

Employer's website at

Official Sign board at 118 Broadway, Fort Edward, New York

Main entrance to office of the clerk at 118 Broadway, Fort Edward, New York

Signature of Clerk of Governing Body

Title Town Clerk

DATE: March 13, 2023

Vote: Councilman Middleton – AYE
Councilman Suprenant – AYE
Councilwoman Collier – AYE
Councilwoman Mullen – AYE
Supervisor Fisher - ABSENT

CORRESPONDENCE:

**American Legion
Memorial Day Parade**

- The Memorial Day Parade will be May 29, 2023 at 1pm; the first since the pandemic. The parade will begin at the County Complex and continue South on Broadway through the Fort Hudson Nursing Home and ending at Notre Dame St. in the Village of Fort Edward.

**Paul McCarty
250th Anniversary of
The Founding of our Country**

- Received a letter from Town Historian Paul McCarty informing the Board that a committee is being formed to celebrate the 250th anniversary of the founding of our country and they have applied for a \$3,000.00 grant for startup costs.

(Tabled until next month to get clarification on who he is asking for the funds)

PUBLIC COMMENT:

Dick Brownell: We have run into a situation trying to sell my business; we had a sale for a construction company but they are not listed under the special uses in the Town and they withdrew their offer because of the time delay and the money involved in getting a special use permit for a construction business. We started about 53 years ago and we were grandfathered into the zoning as a special use machine shop fabricator which also is not on the list.

Councilman Middleton: It's zoned R-Ag correct?

Dick Brownell: Yes and we are looking for guidance because how do we sell this property if we have to have a special use permit for their particular profession? We will not know what that use is and it's just going to cause a delay in any sale.

Councilman Middleton: The construction company came to the Town and I believe met with the Building Inspector and was told that it was not a permitted use and to go before the Zoning Board of Appeals. I don't see any issues but that is how the policy works; if you want something changed you have to go to the Zoning Board.

Dick Brownell: I also wanted to bring up that Marla was told by Mr. French that we no longer had a special use because we were out of business which is not true; we are still in business and registered with the State. We need guidance as to which way we can go with the sale.

William Nikas: What is the current use?

Councilman Middleton: It's a machine shop now in an R/Ag zone.

William Nikas: This really isn't a special use it is a grandfathered use and under normal circumstances today your use wouldn't be allowed in that zone. If somebody comes in and they want to do a machine shop that should not be a problem but if it is anything else then that becomes a question of how similar someone else's use is to yours. If it's not similar then they would want to go in front of the Zoning Board of Appeals for a variance and your argument would be that your property is not usable as a residence which I assume it's not.

Dick Brownell: It's not, it has 400amp 3 phase power and I don't think you want that in the house.

William Nikas: You would have a good argument for the Zoning Board to grant a variance to allow a different use on your property.

Marla Willette: Next to the business is a vacant lot that is zoned residential agricultural; if we find a buyer that is interested in the business and the property to expand the property is that going to be additional issues.

William Nikas: That would be a significant issue because the vacant lot is not grandfathered so if they wanted to use that for the use you are talking about then someone could stop it. There is

some case law that says they could use it as a parking lot which is an accessory use and perhaps that could be approved.

Frank Burkhardt: Can the Zoning Board of Appeals put conditions on it or would it have to go back to the Planning Board for that?

William Nikas: Yes the Zoning Board can put conditions on it.

James Donahue: I am looking for Board support because I want to get the pool going as soon as I can. I would like to hire an extra lifeguard instead of scrambling to find coverage when kids go on vacation. Also we have an adult that is doing custodial work down there and I would like to have the guards do it and they want to do it as well. I need flexibility because I have 16 and 17 year old kids that are going to be taking vacations with their families in the summer and I'm not going to tell them no. It might add 8 hours/week to the budget but it won't be much and it will give us that flexibility. If I don't make a move quick I may lose them, I spoke with Supervisor Fisher and he has all the details. We went from having 80 or 90 people registered the year before to last year having over 600 so I don't want to have to close due to not having enough guards. Also running the recreation is great for the pool because I'm going to take a couple of the rec programs and bring them down there. Also, the library is going to have an overnight camp out down there so we will use it more. I have 4 lifeguard coming back and 2 new ones.

MOTION by Councilman Suprenant, Seconded by Councilwoman Collier to allow another lifeguard for up to 8 hours per week for the duration of the pool season **ALL AYES**

Katie DeGroot: I just want to ask that again this year the sweeping of our road is done after it rains to keep the dust down.

ADJOURNMENT:

MOTION by Councilman Middleton, Seconded by Councilwoman Collier to adjourn the meeting at 7:26pm **ALL AYES**

Dated: March 17, 2023

Aimee Mahoney, Town Clerk