

**MINUTES OF THE REGULAR TOWN BOARD MEETING OF THE TOWN OF FORT ANN HELD ON TUESDAY, OCTOBER 11, 2016 AT 7:00 P.M. AT THE FORT ANN TOWN HALL, 80 GEORGE STREET, FORT ANN**

**PRESENT:** Supervisor Richard Moore  
Councilman Dennis Fletcher  
Councilwoman Gretchen Stark  
Councilman Floyd Varney  
Councilwoman Deborah Witherell

**ABSENT:** Paul Winchell, Highway Superintendent

**OTHERS PRESENT:** Helen Denno, Confidential Secretary to the Supervisor/Bookkeeper, Barbara Winchell, Town Clerk, Jeff Meyer, Town Attorney, Mark Miller, Enforcement Officer, Bill Toscano, The Post Star, Steve Neron, Bill Roberts, Don Ballard, Marsha Monahan, Colleen Ricks, Tom Ricks, Sarah Esperti, Kendra Cartier, Deb Foote, Les Goodman, Earl Rouse, Jo Ann Rouse, Christine Milligan, Ruth Cartier, Claire Greene, Arlene Green, George Harris, George Sherwood, Pat Monahan, Joe Monahan, Sheila Sharrow, David Campbell, Karen Campbell, Dan Monahan, Tracy Monahan, Gene Connell, Patti Carte, Lindsay Carte, Barbara Eagle, James Black, Linda Stiles, Roy Harrison, Don Siano, Bill Camp, Joan Degener, Della Smith, Paulette Brindise, Carol Smith, Lance Killmeier, Heather Desourdy, Emily Esperti, Ruth Esperti, Cameron Steele, Dale Grinnell, Don Pierce, Uliana Pierce, James Seeley, Ken Baldwin, Mildred Baldwin, Georgia VanGuilder, Pat Cantanucci, Gerald Donnelly, Floyd Ladd

Meeting was called to order at 7:00 p.m. with the Pledge of Allegiance to the Flag and a moment of silence was held for deceased Fort Ann residents, Sally Ann Davis, Helen Frances Wood, John Francis McCormick.

On motion of Councilwoman Stark, seconded by Councilwoman Witherell to accept tonight's agenda.

Motion was carried.

On motion of Councilman Fletcher, seconded by Councilman Varney to accept the Regular Town Board Minutes of September 12, 2016.

Motion was carried with Councilwoman Witherell abstaining as she was not in attendance at that meeting.

On motion of Councilwoman Witherell, seconded by Councilman Fletcher to accept the Special Town Board Minutes of October 3, 2016.

Motion was carried.

Supervisor Moore read the following from the September 2016 monthly financial statement:

Receipts for the month	\$100,900.44
Disbursements General Fund	\$ 88,548.46
Disbursements Highway	\$217,557.35
Hadlock Park District	\$ 11,249.37

**Checkbook Balances**

General Fund	\$ 47,804.92
Highway Fund	\$ 34,139.68
Youth Commission Fund	\$ 1,843.20
Hadlock Dam Project	\$ 239.75
Hadlock Park District Fund	\$ 3,169.42
Consolidated Health	\$ 217.04
Trust & Agency Fund	\$ 332.17

**Savings Accounts**

General Fund	\$ 656,211.77
Hadlock Park District	\$ 69,696.40
Highway Fund	\$ 326,585.88
LOSAP	\$ 21,359.13

Motion was introduced by Councilwoman Witherell, seconded by Councilwoman Stark to pay the bills as warranted and audited.

Motion was carried.

**Public Hearing was opened at 7:03 p.m.** regarding the adoption of a Local Law to opt-out of Section 487 of the NYS Real Property Tax Law, which provides exemptions from real property taxes for certain solar or wind energy systems or farm waste energy systems in the Town.

**Public Hearing was closed at 7:04 p.m.** with no comments being made.

**Public Hearing was opened at 7:05 p.m.** regarding the adoption of an Ordinance regulating the use of solar energy collectors in the Town of Fort Ann. The Ordinance would apply to all solar energy system installations within the Town.

**Public Hearing was closed at 7:06 p.m.** with no comments being made.

Public comment was opened and closed with no comments being made.

**Supervisor's Report:**

- Supervisor stated he has taken the time to speak with several of the people in attendance at tonight's meeting regarding the concerns over Brown cemetery on Tripoli Road. Supervisor Moore is in the process of setting up a meeting with the owner of Moose Hillock and his attorney. Supervisor Moore stated this is being worked on by the Town. Supervisor Moore assured the public that he will keep them informed. Once there are findings they'll be reported out to the public. It is still being researched as to who owns the cemetery. No one seems to have the deed to the cemetery. He thanked those in the community who take the time to take care of sections of the cemetery. He thanked Mr. Ken Baldwin, who is present tonight, for his time and energy that he has put in to maintaining sections of the cemetery as a gift to the community. Bruce Mason referred Supervisor Moore to Dan Nims who might have map(s) of the cemetery. Supervisor Moore will call him tomorrow.

- Supervisor Moore stated there's been questions about the sound testing bills that have occurred at ADK Motocross and he wants to assure people that they are being handled properly. Mr. Treadway provided a check and the bills have been paid. If after all the bills have been received and paid and Mr. Treadway is entitled to a refund it will be issued to him. Supervisor Moore advised that the Planning Board made its decision about ADK Motocross and it is now the responsibility of the Town Board to see that the conditions outlined in the resolution are adhered to. Mr. Treadway also stopped in today and handed in a log for the days he was in operation. Supervisor Moore heard from Mr. Treadway about the possibility of having the motocross track open October 16, 2016. It is scheduled to close on October 15, 2016.
- Supervisor Moore reported out that the first budget workshop took place October 3, 2016 at 7:00 p.m. and that the next budget workshop will be October 17, 2016 at 7:00 p.m. at the Town Hall. At the 10/17/16 meeting the preliminary budget will have to be voted on. He reminded everyone that the Town Board has quite a challenge ahead of them in trying to stay under the tax cap. The public hearing and final revisions to the 2017 budget will take place November 10, 2016 at 7:00 p.m. at the Town Hall with the vote on the adopting the 2017 budget taking place November 14, 2016 at 7:00 p.m. at the Fort Ann Fire House.

Town Clerk's Report was given for September 2016.

Highway Superintendent Report: None

Councilwoman Witherell stated she was approached about more accidents happening on Clay Hill. Supervisor Moore instructed her to contact the Highway Superintendent.

Councilman Fletcher reported that he received a phone call from Jim Lanfear about paving Quarry Road. He also stated that he noticed three (3) people got up and left the last board meeting. It was his understanding they had issues to bring to the Town Board but all they heard was Hadlock. He sees them here tonight and believes they will speak tonight. Councilman Fletcher emphasized that as elected officials they have to let the people speak. Supervisor Moore didn't agree with this statement and is of the opinion he does give the public opportunities to speak and wishes that Councilman Fletcher had brought this to his attention prior to tonight's meeting. Councilman Fletcher stated that on October 3, 2016 forty (40) minutes was spent talking about Hadlock. Supervisor Moore stated that there are two (2) major Hadlock issues (salary for Park Manager and Hand Harvesting).

Councilwoman Stark reported that she is still working on the bike trail between Fort Ann and Comstock.

Councilman Varney reported that every mid-afternoon, for about an hour, there seems to be gun fire coming from Buttermilk Falls Road. Supervisor Moore instructed Councilman Varney to contact the Washington County Sheriff's Office.

Enforcement Officer Report was given for September 2016.

Historian's Report: Christine Milligan reported out that the flag pole and solar are in place at the East Westfield Cemetery.

Joe Loszynski, Lake Hadlock Project Manager, was not in attendance but submitted a monthly progress report by email to the Town Board.

New business: Supervisor Moore distributed copies of a piece of property found on the Washington County GIS site that could have potential use for Town of Fort Ann and the Fort Ann School District. Supervisor Moore would like to at least put together a meeting with Joy Crossman of Solar City to see what the idea(s) are. The parcel of land is out behind the Town of Fort Ann Highway Department. Don Ballard did state that the Town wants to think long term about that piece of property as it could be developed into a Municipal Center with the Fire house and the Rescue Squad buildings in such a close proximity.

**RESOLUTION #124-16**

**TO REPLACE PLANNING BOARD MEMBER CURT REHM**

On motion of Councilwoman Witherell, seconded by Councilman Fletcher, to accept resolution entitled "Resolution to Replace Planning Board Member Curt Rehm."

ADOPTED        AYES 5 Fletcher, Stark, Varney, Witherell, Moore

**RESOLVED**, that the Town Board of the Town of Fort Ann hereby accepts the vacancy created by Mr. Curt Rehm effective October 5, 2016. The Town Board authorizes the Town Clerk to advertise the vacancy to the Town of Fort Ann Planning Board in The Post Star and seek qualified applicants seeking appointment as a member of the Planning board to fill this vacancy through 12/31/2018.

**RESOLUTION #125-16**

**APPOINTING PART-TIME COURT ATTENDANT**

On motion of Councilwoman Witherell, seconded by Councilman Varney, to accept resolution entitled "Resolution Appointing Part-time Court Attendant."

ADOPTED        AYES 4 Stark, Varney, Witherell, Moore  
                      RECUSE 1 Fletcher

**RESOLVED**, that the Fort Ann Town Board hereby affirms the appointment of Dennis Fletcher as part-time Court Attendant as of September 14, 2016. This is an uncompensated position.

**RESOLUTION #126-16**

**APPROVING THE REQUEST FOR PROPOSAL FOR HAND HARVESTING SERVICES RECEIVED FROM AIM**

On motion of Councilwoman Witherell, seconded by Councilman Varney, to accept resolution entitled "Resolution Approving the Request for Proposal for Hand Harvesting Services Received from AIM."

ADOPTED        AYES 5 Fletcher, Stark, Varney, Witherell, Moore

**RESOLVED**, that the Fort Ann Town Board does accept the proposal submitted from AIM, 52 Burt Lane, AuSable Forks, New York 12912 for Hand Harvesting services on Lake Hadlock for 2017 in the amount of \$44,880.00 and the Town Board authorizes the Town of Fort Ann Supervisor to execute the contract in accordance with this resolution, conditioned upon final attorney approval.

**RESOLUTION #127-16**

**APPROVING THE REQUEST FOR PROPOSAL FOR CANAL PARK KAYAK LAUNCH**

On motion of Councilman Fletcher, seconded by Councilwoman Witherell, to accept resolution entitled "Resolution Approving the Request for Proposal for Canal Park Kayak Launch."

ADOPTED AYES 5 Fletcher, Stark, Varney, Witherell, Moore

**RESOLVED**, that the Town Board of the Town of Fort Ann will re-advertise the request for proposals for a Canal Park Kayak Launch with the bids must be received by 12:00 PM on November 10, 2016 in accordance with the bidding directions and the Town Clerk will advertise in the Post Star.

**RESOLUTION #128-16**

**APPROVING PAYMENT TO THE NEW YORK STATE CANAL CORPORATION**

On motion of Councilwoman Witherell, seconded by Councilwoman Stark, to accept resolution entitled "Resolution Approving Payment to the New York State Canal Corporation."

ADOPTED AYES 5 Fletcher, Stark, Varney, Witherell, Moore

**RESOLVED**, that the Town Board of the Town of Fort Ann authorizes the issuing of the \$25.00 check to the New York State Canal Corporation and the Bookkeeper is directed to issue \$25.00 check payable to the New York State Canal Corporation to accompany the Canal Permit Application.

**RESOLUTION #129-16**

**AUTHORIZING THE ADOPTION OF PROPOSED LOCAL LAW TO OPT-OUT OF SECTION 487 OF THE NYS REAL PROPERTY TAX LAW CONCERNING TAX EXEMPTIONS FOR CERTAIN SOLAR OR WIND ENERGY SYSTEMS OR FARM WASTE ENERGY SYSTEMS IN THE TOWN OF FORT ANN**

On motion of Councilwoman Witherell, seconded by Councilman Varney, to accept resolution entitled "Resolution Authorizing the Adoption of Proposed Local Law to Opt-Out of Section 487 of the NYS Real Property Tax Law Concerning Tax Exemptions for certain solar or wind energy systems or farm waste energy systems in the Town of Fort Ann."

ADOPTED AYES 5 Fletcher, Stark, Varney, Witherell, Moore

**RESOLVED**, pursuant to and in accordance with the Municipal Home Rule Law, the Town Clerk is hereby directed to enter this Local Law into the minutes of this meeting and file the same with the Office of the Secretary of State of the State of New York.

**RESOLUTION #130-16**

**ADOPTING PROPOSED ORDINANCE REGULATING THE SITING OF SOLAR ARRAYS IN THE TOWN OF FORT ANN**

On motion of Councilman Fletcher, seconded by Councilwoman Stark, to accept resolution entitled "Resolution Adopting Proposed Ordinance Regulating the Siting of Solar Arrays in the Town of Fort Ann."

ADOPTED AYES 5 Fletcher, Stark, Varney, Witherell, Moore

**RESOLVED**, pursuant to and in accordance with Section 133 of the Town Law, the Town Clerk is hereby directed to enter the "Ordinance Regulating the Siting of Solar Arrays in the Town of Fort Ann" into the minutes of this meeting and publish the same in The Post Star the official newspaper of the Town.

**RESOLUTION #131-16**

**INTRODUCING PROPOSED LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C**

On motion of Councilwoman Witherell, seconded by Councilman Varney, to accept resolution entitled "Resolution Introducing proposed Local Law to Override the Tax Levy Limit Established in General Municipal Law Section 3-c."

ADOPTED        AYES 4 Fletcher, Varney, Witherell, Moore  
                    ABSTAIN 1 Stark

**RESOLVED**, that a public hearing shall be scheduled for the consideration of the proposed Local Law to be held by the Town Board on November 10, 2016 at 7:05 p.m. and the Town Clerk is directed to post and publish a notice of said public hearing in the official newspaper of the Town at least five (5) days before the hearing.

**RESOLUTION #132-16  
TO HIRE NOVUS ENGINEERING, PC**

On motion of Councilman Varney, seconded by Councilman Fletcher, to accept resolution entitled "Resolution to Hire NOVUS Engineering, PC"

ADOPTED        AYES 5 Fletcher, Stark, Varney, Witherell, Moore

**RESOLVED**, that the Town Board finds it necessary and proper to hire Novus Engineering, PC for performing the above referenced evaluation and noise study at a cost not to exceed \$2,500.00 and the Town Board hereby authorizes and approves the hiring of Novus Engineering, PC and authorizes the Supervisor to retain their services.

Public discussion was opened with numerous people speaking in frustration over what the owner of Moose Hillock has done by erecting/moving a fence at Brown's cemetery as well as taking down trees.

Christine Milligan directed her questions/concerns to the Town Attorney about a set of deeds she provided to him in the Spring. He stated more research has to be done. Have we look at cemetery law? Christine Milligan brought up the fact there are people buried at Brown's cemetery that don't have headstones.

George Sherwood asked who approved Mr. Paradis putting up a fence and cutting down trees? Is APA aware of what he's doing? Mr. Sherwood stated that people Moose Hillock hired drove over gravestones.

Mr. Baldwin stated there used to be a buffer but with the trees cut there is no buffer. Mrs. Baldwin stated a vault truck cannot get into the cemetery driveway.

Steve Neron has property that adjoins Moose Hillock and Moose Hillock has erected a fence right on the line.

Roy Harrison put eminent domain on the table.

Lindsay Carte asked if the Planning Board has the authority to make an exception to change the terms and conditions of the motocross resolution. Is he using the testing method that is on his website?

Mr. Carte told the Board he appreciates what the Board is doing.

Joan Degener encouraged the Board to do what's best for Brown's cemetery.

Dale Grinnell stated the cemetery committee is working with Supervisor Moore.

Mr. Carte is of the opinion that the conditions of the motocross resolution were very poorly written

Pat Cantanucci, Copeland Pond Road, said she didn't hear the Motocross and she was home all day.

Supervisor Moore stated he visited the track seven (7) different times.

Dale Grinnell mentioned that Virginia Parrott has been the Town Historian for forty (40) years and he would like to see her receive recognition for her years of service. Supervisor Moore will present her with a proclamation when the Town Board meetings are held at the Fort Ann Fire House.

Georgia VanGuilder thanked the Board and she understands that things take time.

9:07 p.m. public discussion was closed

9:08 p.m. Motion was introduced by Councilwoman Witherell, seconded by Councilman Fletcher to enter into executive session to discuss ongoing litigation.

Motion was carried.

9:35 p.m. Motion was introduced by Councilwoman Witherell, seconded by Councilwoman Stark to come out of executive session.

Motion was carried.

9:36 p.m. Motion was introduced by Councilman Witherell, seconded by Councilman Varney to adjourn.

Motion was carried.

Total Abstracts:	General:	\$14,174.83
	Highway:	\$59,270.18
	Hadlock Park District:	\$ 6,463.60

Respectfully submitted,

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Barbara J. Winchell, Town Clerk  
Town of Fort Ann, New York

Dated: October 20, 2016