

**MINUTES OF THE REGULAR TOWN BOARD MEETING OF THE TOWN OF FORT ANN HELD ON MONDAY, MARCH 13, 2017 AT 6:00 P.M. AT THE FORT ANN FIRE HOUSE**

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

**OTHERS PRESENT:** Paul Winchell, Highway Superintendent, Helen Denno, Confidential Secretary to the Supervisor/Bookkeeper, Barbara Winchell, Town Clerk, Jeff Meyer, Attorney for the Town, Mark Miller, Enforcement Officer, Todd Humiston, Dog Control Officer, Bill Toscano, The Post Star, Joe Loszynski, James Black, LeRoy Harrison, Dale Grinnell, Henry Jordan, Barbara Jordan, Joan Degener, Floyd Ladd, George Smith, Michael LaCross, Chad Wilson, Michelle Vara, Veronica Aurelio, Ed Paradis, Sr., Ed Paradis, Jr., Mark Rehm, Attorney for Moose Hillock Campground, Joe Wright, Wanda Wright, Michael Dybowski, Emily Latterell, Lindsay Carte

Meeting was called to order at 6:00 p.m. with the Pledge of Allegiance to the Flag and a moment of silence was held for deceased Fort Ann residents Clay Capen, LeGrand "Bud" Seaver, Jr., Everett R. Mattison, Sr., Carolyn Mary Hall and Edna M. Thompson.

Motion was introduced by Councilwoman Witherell, seconded by Councilwoman Stark to accept tonight's agenda.

Motion was carried.

Motion was introduced by Councilwoman Witherell, seconded by Councilman Fletcher to accept the Regular Town Board minutes of February 13, 2017.

Motion was carried.

Motion was introduced by Councilman Fletcher, seconded by Councilwoman Stark to accept the Special Town Board minutes of February 24, 2017.

Motion was carried.

Supervisor Moore read the February 2017 monthly financial statement.

**Receipts for the month of February**

General Fund \$ 31,383.25

**Disbursements**

General Fund \$ 256,710.17

Highway \$ 73,530.56

**Checkbook Balances**

General Fund \$ 17,210.61

Highway Fund \$ 123,778.02

|                              |              |
|------------------------------|--------------|
| Youth Commission             | \$ 1,843.59  |
| Hadlock Dam Project          | \$ 239.80    |
| Hadlock Park District Fund   | \$ 45,722.01 |
| Consolidated Health District | \$ 899.02    |
| Trust & Agency Fund          | \$ 349.92    |
| Medical Reimbursement Fund   | \$ 471.53    |

**Savings Accounts**

|                       |               |
|-----------------------|---------------|
| General Fund          | \$ 729,807.36 |
| Hadlock Park District | \$ 214,213.44 |
| Highway Fund          | \$ 969,937.87 |
| LOSAP                 | \$ 20,082.57  |

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

Motion was carried.

6:05 p.m. **Open Public Hearing:** Notice of Public Hearing was published in the Post Star on March 4, 2017. Town Clerk read “An Ordinance Prohibiting Parking on Designated Town Highways in the Town of Fort Ann” in its entirety. Paper copy on file in Town Clerk’s Office for anyone who would like a paper copy.

Floyd Ladd of the West Fort Ann Fire Company stated that this will benefit the emergency vehicles that have to go to the Shelving Rock area to get in and out safely.

6:09 p.m. **Close Public Hearing**

**Supervisor’s Report:**

Cemetery update: On February 24, 2017 the Town Board had a special Town Board meeting regarding West Fort Ann cemetery aka Brown’s cemetery. A resolution was adopted at the meeting deeming the West Fort Ann cemetery aka Brown’s cemetery as an abandoned public cemetery. As of that date the town took over the cemetery and the responsibility to maintain the cemetery and by law mow a minimum of three (3) times a year. Supervisor Moore asked the Highway Superintendent to think of between now and the next Town Board meeting, April 10, 2017, what additional resources/staff will be needed.

On the way to tonight’s town board meeting Supervisor Moore received a phone call from Ed Paradis, Sr. asking Supervisor Moore to meet him at the cemetery so he could go over what he would like to offer as far as moving the fence. Upon arriving at the cemetery Ed Paradis, Sr., Ed Paradis, Jr. and Attorney Mark Rehm were present. Supervisor Moore went to the cemetery and advised Mr. Paradis that Mark Rehm would have to discuss this with Attorney Nikas (who represents individuals in this matter).

On March 9, 2017 the cemetery committee met and started to have discussions about ideas going forward with the cemetery.

Supervisor Moore spoke of two (2) resolutions that were adopted at the February 13, 2017 town board meeting. Resolution Adopting a Local Law Providing for the Partial Real Property Tax Exemptions for Persons with Disabilities and Limited Incomes. Resolution Amending a Local Law Providing for Partial Real Property Tax Exemptions for Persons sixty-five years of age or Older. The question was raised at last month's meeting if a person could be eligible for both exemptions. Supervisor Moore explained there are three (3) lines these exemptions could apply:

- county tax
- school tax
- town tax

He clarified that a person is only eligible for one (1) of the above exemptions on each line, not both.

Municipal Assessment Services notified Supervisor Moore that the state has approved the 2017 equalization rate to stay at the percentage where it currently is 100% for the Town of Fort Ann.

Supervisor Moore had information regarding ten (10) sugar houses in Washington County. This information will be on the Town Hall bulletin board and on the Town of Fort Ann website [www.townoffortannny.com](http://www.townoffortannny.com). Washington County Sugarhouses – Maple Weekend March 18, 19, 25 & 26 10am – 4pm, Each Day [www.upperhudsonmaple.com](http://www.upperhudsonmaple.com)

Washington County Dept. of Public Safety is conducting citizen preparedness on March 29, 2017 from 7:00 p.m. – 9:00 p.m. at the Washington County Municipal Center, 383 Broadway, Training Room #2, Fort Edward, NY 12828.

Supervisor Moore announced that the 12<sup>th</sup> annual Canal Sweep will be coming up soon. Councilwoman Stark will provide details in the near future.

**Town Clerk's Report** was given for February 2017.

**Dog Control Report:** paper copy was given to Town Board Member's.

**Highway Superintendent Report:** Doing brush and tree work on Cartier Road; grading dirt roads as weather permits; prepared for the big snowstorm predicted to hit the area tomorrow (3/15/17) morning.

Supervisor Moore asked the Highway Superintendent to address the question from last month's meeting about paving a mile of dirt road each year in the Town of Fort Ann. The Highway Superintendent stated that there is approximately 30 miles of dirt roads in the Town of Fort Ann and \$28,000.00 is allocated for dirt roads annually for gravel. If you divide the \$28,000.00 by 30 miles it comes out to \$933.33/mile 30 miles x 5 times a year to grade equals 150 miles 2 ½ hrs. to grade equals 375 hrs to operate the grader \$25/hr (hrly wage with benefits) \$9,375.00 divided by 30 miles is \$312.50/mile + \$933.00 = \$1,245.83/mile to maintain dirt roads. Cost to black top is approximately \$138,000/mile.

Councilwoman Witherell spoke with Councilwoman Stark regarding the bike trail and she'll let Councilwoman Stark go into the details.

Councilwoman Stark attended an Office of the Aging meeting last week and will leave information for the Town Hall bulletin board and the fire house. Some of the important information includes preparing

for a power outage; there are \$4.00 coupons available to citizens 60 years old and over through the Office of the Aging for participating area restaurants; there are meal sites in Cambridge, Salem, Whitehall and Hudson Falls they just ask that you call ahead so they can prepare. Cambridge holds a lent luncheon every Tuesday during lent. On April 27, 2017 there is a Senior dinner theatre at the Argyle School for \$5.00 a person. Any questions about the Office of the Aging can be directed to Gina Cantanucci-Mitchell, Director, 746-2420.

Councilwoman Stark stated that Patricia Gould is a statewide honoree and there will be a luncheon in Albany this Spring recognizing her. On May 12, 2017 the local luncheon will be held at the Kingsbury Fire house to honor the local Senior of the Year (unknown at this time).

Councilwoman Stark is still attending meetings about the trail from Waterford to Whitehall. She met with Councilwoman Witherell and her husband. Mr. and Mrs. Witherell wanted to share with Councilwoman Stark where the trail might go on the east side. Councilwoman Stark stated it may include land owned by the railroad so she has called and emailed the railroad.

**Enforcement Officer Report:** None

**Historian Report:** None

**Lake Hadlock Project Manager,** Joseph Loszynski, emailed a copy of his report to the Town Board Member's. A paper copy is on file in the Town Clerk's Office for anyone who would like a copy.

One (1) sealed bid was received/opened for court construction from AJ Catalfamo Construction Inc., 5 Sixth St., Hudson Falls, NY 12839 in the amount of \$29,250.00.

Motion was made by Councilman Fletcher, seconded by Councilwoman Witherell to reject the bid.

Motion was carried.

**New Business:**

**RESOLUTION #46-17**

**TO ADOPT THE PROPOSED ORDINANCE FOR PROHIBITING PARKING ON DESIGNATED TOWN HIGHWAYS**

On motion of Councilman Fletcher, seconded by Councilwoman Stark to accept resolution entitled "Resolution to Adopt the Proposed Ordinance for Prohibiting Parking on Designated Town Highways."

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

**RESOLVED,** the Board upon due deliberation of the proposed Ordinance and the comments presented at the public hearing, finds that the adoption of the same shall be in the best interest of the Town and protects the public health, safety and welfare of the residents.

**RESOLUTION #47-17**

**TO ACCEPT PLANNING BOARD MEMBER RESIGNATION FROM LEWIS BARRETT**

On motion of Councilman Varney, seconded by Councilwoman Witherell to accept resolution entitled "Resolution to Accept Planning Board Member Resignation from Lewis Barrett."

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

**RESOLVED**, that the Town Board of the Town of Fort Ann hereby 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.

**RESOLUTION #48-17**

**OF ENDORSEMENT FOR THE LAKE GEORGE LAND CONSERVANCY**

On motion of Councilwoman Stark, seconded by Councilwoman Witherell to accept resolution entitled "Resolution of Endorsement for the Lake George Land Conservancy."

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

**RESOLVED**, that the Fort Ann Town Board hereby does endorse the application of Lake George Land Conservancy for a grant under the 2017 Adirondack Smart Growth Program for a project known as Pilot Knob Trail Reconstruction Project and located within this community.

**RESOLUTION #49-17**

**CREATING AND APPOINTING SECOND PART-TIME ENFORCEMENT OFFICER**

On motion of Councilwoman Witherell, seconded by Councilman Fletcher to accept resolution entitled "Resolution Creating and Appointing Second Part-time Enforcement Officer."

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

**RESOLVED**, that the Fort Ann Town Board hereby appoints Todd Humiston as part-time Enforcement Officer as of March 13, 2017 to handle noise complaints at a rate of \$25.00 per site visit for investigating each complaint, as well as \$25.00 for appearing in Court and other related matters. This appointment shall be at will.

**RESOLUTION #50-17**

**APPOINTING DIRECTOR OF SUMMER RECREATION PROGRAM**

On motion of Councilwoman Stark, seconded by Councilman Varney to accept resolution entitled "Resolution Appointing Director of Summer Recreation Program."

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

**RESOLVED**, that the Town Board of the Town of Fort Ann appoints Justin Nassivera as the 2017 Director of Summer Recreation Program at an annual salary of \$3,000.00. This appointment shall be at will.

**RESOLUTION #51-17**

**TO MODIFY THE 2017 BUDGET BY TRANSFERRING FUNDS BETWEEN APPROPRIATIONS DUE TO INDEBTEDNESS FOR HADLOCK DAM CONVERTING FROM BOND ANTICIPATION NOTE PAYABLE TO LONG TERM SERIAL BOND**

On motion of Councilwoman Witherell, seconded by Councilman Varney to accept resolution entitled "Resolution to Modify the 2017 Budget by Transferring Funds between Appropriations due to Indebtedness for Hadlock Dam Converting from Bond Anticipation Note Payable to Long Term Serial Bond."

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

**RESOLVED**, the 2017 budget shall be amended by transferring funds between appropriations.

Supervisor Moore stated that Resolution 29-17 adopted at the February 13, 2017 town board meeting has to be amended from \$289,546.00 to \$283,183.00 for the purchase of Ferrara Engine Rescue Truck for the Fort Ann Volunteer Fire Company, Inc.

Motion was made by Councilwoman Witherell, seconded by Councilman Fletcher to amend resolution 29-17.

Motion was carried.

**RESOLUTION #52-17**

**TO SUPPORT CHAMPLAIN CANALWAY TRAIL EXPLORATION**

On motion of Councilwoman Stark, seconded by Councilman Fletcher to accept resolution entitled "Resolution to Support Champlain Canalway Trail Exploration."

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

**RESOLVED**, that the Town Board of the Town of Fort Ann supports the exploration of continuing the Champlain Canalway Trail from the Village of Fort Ann to Ryder Road.

6:30 p.m. open public discussion Michael Dybowski, 5438 Firehouse Way, Fort Ann spoke to Supervisor Moore about some concerns when he came to the Town Hall recently to pay his town/county taxes and decided to come to a board meeting to address the Town Board. He is going to put his concerns in writing to the Town Board such as having the Town of Fort Ann consider taking over the maintaining of Firehouse Way as a public road because he is of the opinion it is an abandoned road and not a private road. Supervisor Moore recommended to Mr. Dybowski that if he hasn't reviewed the formation of the Lake Hadlock Park District that he may want to. Mr. Dybowski stated he only knew it was created in 1977. He has concerns about easements/beach rights for approximately 90 parcels in the Hadlock area for him and his neighbors. Supervisor Moore told Mr. Dybowski he raised some interesting things and the town will start looking into these things.

Lindsay Carte, 10662 State Route 149, Fort Ann stated he missed the February 13, 2017 town board meeting but if he was correct in reading the minutes he asked if it is the board's intention to leave Chad Wilson on the Planning Board. Supervisor Moore responded a decision has not yet been made. Mr. Carte stated that in the 2/13/17 town board minutes there is a case listed Hosley v Curry concerning residency but that was concerning election law on an elected official, not an appointed official on a planning board. Mr. Carte stated he has only an informal email but when he gets a formal determination from the New York State Planning Federation he will share that with the Town Board that says a person would have to sleep in the house for it to be considered his residence as far as a planning board is concerned. Mr. Carte said it has been stated that Chad Wilson has 201 County Rte 16 on his drivers license as his address. Mr. Carte is of the opinion that a drivers license has to have the address where you live, not where you receive mail, on it and he is in the process of getting clarification on that.

Floyd Ladd, West Fort Ann Fire Company, reminded everyone that the West Fort Ann Fire house is an emergency shelter in case the power does go out because of the pending storm. Mr. Ladd thanked the board for taking the cemetery.

Ed Paradis, Sr. (owner of Moose Hillock Campground) flew in from Florida to speak at tonight's meeting to reassure everyone that there would always be access to the cemetery. He stated it has been his opinion that it has been articles in the Post Star that have gotten the folks of Fort Ann upset. It has always been his goal to work with the people of the Town of Fort Ann.

Joe Wright, Rte 149, Fort Ann spoke to Mr. Paradis and told him he is a Veteran who hopes to be buried at Brown's cemetery. Mr. Paradis asked him or anyone else, weather permitting, to meet him at Brown's cemetery first thing tomorrow (3/14/17) morning.

Roy Harrison, 14 E Copeland Pond, Fort Ann told Mr. Paradis, Sr. that he wished he had come to a town board meeting three (3) months ago. Mr. Harrison said he was one of the people that had a negative posting about Moose Hillock Campground but has taken it down.

6:50 p.m. Motion was introduced by Councilwoman Witherell, seconded by Councilman Fletcher to enter into executive session regarding a personnel matter and ongoing Hadlock litigation.

Motion was carried.

7:12 p.m. Motion was introduced by Councilwoman Witherell, seconded by Councilman Fletcher to reopen the public meeting.

Motion was carried.

7:13 p.m. Motion was introduced by Councilwoman Witherell, seconded by Councilwoman Stark to adjourn.

Motion was carried.

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|------------------|------------------------|--------------|
| Total Abstracts: | General:               | \$ 16,034.19 |
|                  | Highway:               | \$ 22,936.18 |
|                  | Hadlock Park District: | \$ 45,738.75 |

Respectfully submitted,

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

Dated: March 23, 2017