

**MINUTES OF THE REGULAR TOWN BOARD MEETING OF THE TOWN OF FORT ANN HELD ON TUESDAY, OCTOBER 10, 2017 AT 6:00 P.M. AT THE FORT ANN TOWN HALL**

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

**ABSENT:** Paul Winchell, Highway Superintendent

**OTHERS PRESENT:** Barbara Winchell, Town Clerk, Helen Denno, Confidential Secretary to the Supervisor/Bookkeeper, Jeff Meyer, Attorney for the Town, Mark Miller, Enforcement Officer, John Simkulet, PE, Vice President/Director of Bridges and Structures (GPI), Daniel Thomas, PE, Structural Engineer (GPI), Fred Buck, Marketing Director (GPI) Joe Loszynski, George Smith, Lindsay Carte, Claire Greene, Arlene Green, Roy Harrison, Christine Milligan, Mary Davis, Mike LaCross, Gene Connell, George Sherwood

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 resident, Corwin Skinner.

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

Motion was carried.

Motion was introduced by Councilwoman Stark, seconded by Councilman Fletcher to accept the Regular Town Board minutes of September 11, 2017.

Motion was carried.

Supervisor Moore read the September 2017 monthly financial statement.

**Receipts for the month of September**

General Fund \$ 37,294.92

**Disbursements**

General Fund \$ 56,618.94

Highway \$ 58,130.20

**Checkbook Balances**

General Fund \$ 27,648.00

Highway Fund \$ 45,684.73

Youth Commission \$ 2,387.05

Hadlock Dam Project \$ 239.87

Hadlock Park District Fund \$ 3,378.58

Consolidated Health District \$ 253.33

Trust & Agency Fund \$ 332.37

Medical Reimbursement Fund \$ 100.59

**Savings Accounts**

General Fund	\$ 569,991.42
Hadlock Park District	\$ 53,778.03
Highway Fund	\$ 510,144.74
LOSAP	\$ 14,316.28

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

Motion was carried.

6:03 p.m. **Public Comment opened** for items on the agenda.

6:04 p.m. **Public Comment closed** with no comments.

Supervisor Moore introduced three (3) gentlemen from Greenman-Perersen, Inc. (GPI), 80 Wolf Rd., Suite 300, Albany, NY 12205. John Simkulet, PE, Vice President/Director of Bridges and Structures, Daniel Thomas, PE, Structural Engineer and Fred Buck, Marketing Director. Mr. Simkulet distributed a handout and explained the replacement of the Hogtown Road Culvert over Mount Hope Brook. A paper copy is on file in the Town Clerk's Office for anyone that would like a copy.

**Supervisor's Report:** Supervisor Moore stated that the first budget workshop for 2018 took place October 2, 2017 @ 6:00 p.m. There was a lot of discussion about the Fort Ann Rescue Squad budget request for 2018 of \$242,476.00. Supervisor Moore advised that 2010 was not that long ago and the Town only gave the Fort Ann Rescue Squad \$23,000.00 and each year it increased up to \$139,000.00 for 2017. Supervisor Moore is anxiously waiting to hear from Cody Jacobsen so that they can go over the Fort Ann Rescue Squad budget. The Town Board is very concerned about the future of the Fort Ann Rescue Squad. The next budget workshop will be held on October 16, 2017 at 6:00 p.m. at the Fort Ann Town Hall.

Supervisor Moore thanked Christine Milligan and the American Legion for placing the headstones at the East Westfield cemetery.

Supervisor Moore said a couple of ladies stop by the Town Hall because they were concerned about hearing the WFA cemetery was being done away with and houses were going to be built there. He introduced himself as the Town of Fort Ann Supervisor and assured them that was not going to happen that the Town of Fort Ann owns the cemetery.

Supervisor Moore announced that Washington County first paving took place on Cty Rte 16 to Friedman's pit. Supervisor Moore spoke to Steve Haskins, Washington County Highway Superintendent, about the two (2) inch topping that was to take place this year and Mr. Haskins said maybe Spring or Fall of 2018.

Supervisor Moore received a petition for a speed limit reduction from residents on East Starbuck Lane from 55 mph to 30 mph. This will be forwarded to Steve Haskins, Washington County Highway Superintendent, who will forward on to NYS DOT.

Supervisor Moore received a thank you email from Joyce and Bill Walkup, 693 Deweys Bridge Rd., Fort Ann extending their thanks to all of the employees who worked so hard to keep the road to the Knapp Estate open during the 27 years that they lived there. They specifically wanted to thank Paul Winchell and his crew for the outstanding job that they not only did in maintaining the road but the numerous times they plowed so the Walkup's could get in and out. Supervisor Moore shared this email with Paul to share with the Highway Department.

Supervisor Moore received a letter from Jamie Brown, Executive Director, Lake George Land Conservancy regarding the successful application to the 2017 Adirondack Smart Growth Grant for the revitalization and trail reconstruction effort of the Schumann Preserve at Pilot Knob.

On motion of Councilman Witherell, seconded by Councilman Fletcher to change the Town Board Meeting site from the Fort Ann Town Hall to the Fort Ann fire house for the months of December 2017, January, February and March 2018.

Motion was carried.

Town Clerk to notify, Don Sexton, Fort Ann fire house of the meeting dates.

The Planning Board will be holding a public hearing at the Fort Ann Town Hall on October 23, 2017 at 7:00 p.m. regarding ADK MX regarding amendments to September 2016 resolution.

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

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

**Highway Superintendent Report:** None

Councilwoman Witherell read the following statement "Thanks to the articles in the Post Star I am sure most of you are aware that I had had issues with a neighbor. I naturally felt there would be state or county laws protecting my well and properties, as well as the safety and well being of the animals in question. I have questioned every agency from DEC, AGA Markets, State Police, SPCA, Board of Health, Co Operative Exchange, and the Sheriff Dept. to name a few. I have spoke with Betty Little's Office, Dan Stec'd office and basically anyone that would listen. What I have found is almost everyone seems to feel Washington County needs laws or ordinances, regulating small farms. I have learned from almost every agency, including DEC, AGA Markets, etc. that large farms have been begging for regulation as they must follow strict guide lines but small farms have not regulations at all. In many cases this results in nothing short of animal cruelty, and bad neighbor relations. Our town is better than this, we are a farming community and most farmers respect their animals as they are their livelihoods. However there are a few small time farms that will not treat their farms with the same respect as others which I believe has to stop. I would like to propose a town ordinance be established that will put small but strict regulations for small farms in our town. This will protect the residents of our town as well as the animals being kept in improper conditions. I am not against small farms in any way or form, but I am against animal cruelty. I have spoke to veterinarians that have made it clear to me that someone needs to start something as farm animals deserve the same protection afforded dog or cats, etc.. Someone needs to distinguish guidelines to differentiate small farms from animal hoarders. Fort Ann will not be alone in this as the

Village of Granville stepped up to the plate years ago and established an ordinance. I would like to propose we do the same and put together an ordinance.”

Councilwoman Stark said this should be researched. Supervisor Moore stated that the Attorney for the Town should conduct research on this to see what can be done.

Councilman Fletcher was approached by a resident that had a couple of questions. The first being why can someone in Comstock store campers but others can't. The second was about the trailer park across from AutoSaver where additions are being done but no permits. Supervisor Moore suggested bringing this to Enforcement Officer, Mark Miller's, attention to investigate. Councilman Fletcher will contact Mark Miller.

Councilwoman Stark updated everyone that the Champlain Canal Trailway from Waterford to Fort Ann should be completed by 2020.

**Enforcement Officer Report** was given for the month of September 2017.

**Historian Report:** Christine Milligan stated that the unveiling ceremony at Pine View Cemetery, Quaker Road, will be October 28, 2017 at 11:00 a.m. (not 10:00 a.m. as stated in September 11, 2017 minutes) at the American Legion Plot.

**Lake Hadlock Project Manager,** Joseph Loszynski, emailed a copy of his monthly 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.

**New Business:** Supervisor Moore stated he received a request from Terry Barber on behalf of the Fort Ann Historical Society for \$400.00 for sign restoration – Old Lock System Clay Hill Road. On motion of Councilwoman Witherell, seconded by Councilwoman Stark to approve the \$400.00 request for sign restoration – Old Lock System Clay Hill Road.

Motion was carried.

Supervisor Moore to contact Terry Barber October 11, 2017 on the passing of this item.

#### **RESOLUTION #90-17**

##### **APPROPRIATION OF UNANTICIPATED REVENUES TO BE USED TOWARDS PURCHASE OF HISTORICAL PROPERTY**

On motion of Councilwoman Witherell, seconded by Councilwoman Stark to accept resolution entitled "Resolution Appropriation of Unanticipated Revenues to be used towards purchase of Historical Property."

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

**RESOLVED,** the 2017 budget shall be amended by appropriating \$170,177.00 from Federal Grant – other to Historical Property – capital outlay.

#### **RESOLUTION #91-17**

##### **AUTHORIZING CONTRACT AND PAYMENT WITH PENFLEX, INC. FOR PURPOSE OF LOSAP PROGRAM FOR WEST FORT ANN AND PILOT KNOB FIRE DISTRICTS**

On motion of Councilwoman Stark, seconded by Councilman Varney to accept resolution entitled "Resolution Authorizing Contract and Payment with Penflex, Inc. for purpose of LOSAP Program for West Fort Ann and Pilot Knob Fire Districts."

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

**RESOLVED**, that the Town Board of the Town Fort Ann hereby authorizes the Town Supervisor to accept and execute the necessary agreements on behalf of the Town of Fort Ann.

**RESOLUTION #92-17**

**SUPPORTING STATEWIDE CONSTITUTIONAL AMENDMENT BALLOT PROPOSAL #3 THAT CREATES A LAND ACCOUNT TO ADDRESS SPECIFIC PUBLIC HEALTH AND SAFETY CONCERNS FOR USE BY TOWNS, VILLAGES, AND COUNTIES HAVING NO VIABLE ALTERNATIVE OTHER THAN USING FOREST PRESERVE LAND**

On motion of Councilman Fletcher, seconded by Councilwoman Stark to accept resolution entitled "Resolution Supporting Statewide Constitutional Amendment Ballot Proposal #3 that creates a Land Account to Address Specific Public Health and Safety Concerns for Use by Towns, Villages, and Counties having no viable alternative other than using forest preserve land."

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

**RESOLVED**, that the Town Board of the Town of Fort Ann does hereby support Ballot Proposal #3 on November 7, 2017, which is deemed critically important to our communities, the State Forest Preserve, the environment and the People of the State of New York.

**RESOLUTION #93-17**

**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 Fletcher 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 5 Fletcher, Stark, Varney, Witherell, Moore

**RESOLVED**, that the Town Clerk is directed to post and publish a notice of said public hearing in the official newspaper of the Town at least (5) days before the hearing.

6:50 p.m. **Open Public Discussion** with Christine Milligan stating she is a big supporter of the Fort Ann EMS but this last year has been terrible for coverage.

Lindsay Carte told Councilwoman Witherell he can totally relate to her feeling like her issue falls on deaf ears.

Lindsay Carte said he sent information to Supervisor Moore about fuel being sold at ADK MX and being in violation of one (1) of the conditions. Supervisor Moore stated he asked Mr. Treadway if he was selling fuel and he said yes. Supervisor Moore asked him why? Mr. Treadway referred to the resolution that states no fuel station shall be permitted on site. Supervisor Moore then asked Mr. Treadway how much do you store? Mr. Treadway stated he stores a few 5 gallon containers at his home.

Supervisor Moore stated the Town Board needs to decide about the fact that Mr. Treadway is selling fuel. (condition k)

Lindsay Carte said he was told by Chairman Bedeaux that Mr. Treadway is not allowed and wouldn't sell fuel.

Councilman Fletcher asked for clarification: Is it fuel or racing fuel? ANSWER: Racing fuel.

Attorney for the Town, Jeff Meyer, stated that the intent of the original resolution was not to sell fuel.

On motion of Councilwoman Witherell, seconded by Councilman Varney to have Attorney for the Town, Jeff Meyer, send Mr. Treadway a letter cease and desist regarding selling fuel. Councilman Fletcher stated the letter should include that Mr. Treadway needs to go back to the Planning Board and ask for this modification.

Motion was carried.

Lindsay Carte stated he requested sound testing from ADK MX five (5) times by FOIL from the Town and all five (5) times received a response the Town has no record.

Supervisor Moore said he told Mr. Carte and Claire Greene that he has requested sound records from Mr. Treadway for the dates that Todd Humiston conducted sound tests.

Mr. Carte is asking the board for all records for every bike for every day that the track was open.

Mr. Carte stated that Mr. Treadway has on his website that if he feels a bike needs to be tested it'll be tested. Mr. Carte referred to the September 13, 2016 resolution that states a sound test would be performed on every motorcycle prior to operating on site to ensure that all motorcycles shall not exceed 105 dBA based upon the two-meter max sound test.

Supervisor Moore stated the Town Board is trying to concentrate on the noise/sound this year.

Supervisor Moore read letter dated October 10, 2017 from Claudia Braymer that was received this afternoon. A paper copy is on file in the Town Clerk's Office for anyone who would like a copy. Supervisor Moore recommends letting the Attorney for the Town, Jeff Meyer, review this letter that was received late this afternoon.

Christine Milligan agreed with Councilwoman Witherell that something does have to be done with small farms.

7:19 p.m. **Close Public Discussion**

7:20 p.m. Motion was introduced by Councilwoman Witherell, seconded by Councilman Varney to adjourn.

Motion was carried.

Total Abstracts:	General:	\$ 13,185.33
	Highway:	\$156,807.87
	Hadlock Park District:	\$ 17,328.88

Respectfully submitted,

Dated: October 23, 2017

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