

MINUTES OF THE REGULAR TOWN BOARD MEETING OF THE TOWN OF FORT ANN HELD ON MONDAY, OCTOBER 12, 2021 AT 6:00 P.M. AT THE FORT ANN TOWN HALL

PRESENT: Supervisor Samuel J. Hall
Deputy Supervisor Gretchen R. Stark
Councilman George F. Smith
Councilwoman Deborah Witherell
Councilman Michael D. Sexton

ABSENT: Lisa Barbato, Dog Control Officer
Mark Miller, P/T Enforcement Officer
Christine Milligan, Town Historian

OTHERS PRESENT: Barbara Winchell, Town Clerk, Jeffrey Meyer, Attorney for the Town, Don Bedeaux, Michelle Vara, Chad Wilson, Taylor Foran, Katelyn Moskos, John Moskos, Penny Gould, Bill Bailey, Tim Stachnick, Kathy Stachnick, Barb Burch, Duane Burch, Barb Eagle, Jeff Pepper, Lori Hagen, Floyd Ladd, Cynthia Seeley, Barbara Eagle, Jon Lashinsky

Meeting was called to order at 6:00 p.m. with the Pledge of Allegiance to the Flag.

Moment of silence was held for Fort Ann resident Dale O. Lunt.

Motion was introduced by Councilman Sexton, seconded by Councilman Smith to approve tonight's agenda.

Motion was carried unanimously.

Motion was introduced by Councilwoman Stark, seconded by Councilwoman Witherell to accept the Regular Town Board Minutes of September 13, 2021.

Motion was carried unanimously.

Motion was introduced by Councilman Sexton, seconded by Councilwoman Stark to accept the Budget Workshop Minutes of October 5, 2021.

Motion was carried unanimously.

Supervisor Hall read the August 2021 monthly financial statements.

Checking Account Balances

General Fund	\$15,970.98
Highway Fund	\$21,029.97
Youth Commission	\$ 5,424.64
Hadlock Dam Project	\$ 240.09
Hadlock Park District Fund	\$23,412.37
Consolidated Health District	\$ 370.48
Trust & Agency Fund	\$ 1,934.82
Medical Reimbursement Fund	\$ 2,915.20

Savings Accounts

NYCLASS - General Fund	\$743,328.03
NYCLASS - Highway Fund	\$527,559.90
NYCLASS - Hadlock Park District	\$ 95,745.42
LOSAP	\$ 5.78

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

Motion was carried unanimously.

6:03 p.m. Public Comment opened with regards to anything on tonight’s agenda.

6:04 p.m. Public Comment closed without comment.

3.0 Report from Town Officials and Committees:

Supervisor’s Report: Supervisor Hall stated that they’ve been gathering information on biosolids that Mr. and Mrs. Burch had spoke about at the last town board meeting. Have been in contact with DEC and DEC is supposed to send up a specialist on biosolids. The specialist from DEC couldn’t make it to tonight’s meeting and neither could the Burch’s. Hoping to have DEC and the Burch’s here the evening of October 28, 2021 which is the same day as the West Fort Ann Volunteer Fire Company public hearing.

Supervisor Hall gave an update on Champlain Power Express that it had been approved by the state coming from Quebec to New York City. Supervisor Hall stated this affects seven (7) towns in Washington County. Supervisor Hall didn’t have the exact amounts but thinks the Town of Fort Ann would receive \$8.2M over a 30 year period; Fort Ann Central School District \$6M and the Village of Fort Ann \$250,000.00.

Supervisor Hall reminded the Highway Superintendent that a couple of years ago they walked the old road that would be torn up and discussed a deal would have to be cut to replenish - it can’t just be patched.

Supervisor Hall stated the American Rescue Plan is an on going project. Will be used after the 1st of the year.

Supervisor Hall stated they’ve been working diligently on the 2022 budget the last 3 to 4 weeks.

Councilwoman Stark advised that the Canal Corp removed the docks and the kayak launch back to their shed and it will be fixed over the winter.

Councilwoman Stark stated there will be bike trail information on the Champlain Canalway Trail website that will include a number of on road courses through Hogtown, West Road and east side of canal to see different parts of the town.

Councilwoman Witherell stated after hearing what the Burch’s had to say at the last meeting about biosolids she went on line and there’s a lot for and a lot against solid waste being used on property.

Councilwoman Witherell want people to have as much information as possible to make an informed decision. She distributed and read one article from The Guardian.com about dairy cows at Stoneridge Farm in Arundel, Maine in August 2019 and the farm was forced to shut down after sludge spread on the land was linked to high levels of PFAS in the milk. The article went on to say “while the water is cleaned and discharged, the remaining toxic sewage sludge stays at the treatment plant, and it’s what Sierra Club environmentalist Nancy Raine calls “The most pollutant-rich manmade substance on Earth”.

“This “biosolid” sludge is expensive to dispose of because it must be landfilled, but the waste management industry is increasingly using a money-making alternative-repackaging the sludge as fertilizer and injecting it into the nation’s food chain.”

“Now the practice is behind a growing number of public health problems. Spreading pollutant-filled biosolids on farmland is making people sick, contaminating drinking water and filling crops, livestock and humans with everything from pharmaceuticals to PFAS.”

“In 2019, about 60% of sewage sludge produced by treatment facilities will be spread on farmland and gardens, as well as schoolyards and lawns. Sludge holds nitrogen, phosphorus and other nutrients that help crops grow so the waste management industry lightly treats it and sells it cheaply to farmers who view it as a cost-saving product.”

“But in fact the excrement from which sludge derives has mixed with any number of 80,000 manmade chemicals that are discharged from industry’s pipes or otherwise pumped into the sewer system. By the time the mix land in treatment plants, it can teem with pharmaceuticals, hormones, pathogens, bacteria, viruses, protozoa and parasitic worms, as well as heavy metals like lead, cadmium, arsenic or mercury. It often includes PCBs, PFAS, dioxins, BPAs and dozens of other harmful substances ranging from flame retardants to hospital waste.”

“Previously treatment facilities burned sludge or dumped it in the ocean, but the federal government barred the practices because doing so violated clean air rules or created marine dead zones. The EPA now insists spreading the same toxic substance on farmland is safe.”

“Raine questioned that conclusion, noting that there is very little regulation, very little testing and no knowing what’s in each batch of sludge as compositions vary.”

“In what biosolid testing the EPA has conducted, it identified more than 350 pollutants. That includes 61 it classifies “as acutely hazardous, hazardous or priority pollutants”, but the law requires only nine of those be removed.”

“The EPA office of inspector general noted the agency couldn’t properly regulate biosolids, even if it sincerely tried, because “it lacked the data or risk assessment tools needed to make a determination on the safety of 352 pollutants found in biosolids.”

“Meanwhile, sewage sludge is behind a widening PFAS crisis that has contaminated farms in Maine, Michigan, Wisconsin, Alabama and Florida.”

“Maine’s testing of 44 fields sprayed with biosolids earlier this year consistently found alarming PFAS levels in the ground, cows and farmers’ blood, which forced one dairy farm to shut down.”

(Paper copy is available at the Town Clerk's Office for anyone wishing to have a paper copy).

Councilwoman Witherell thinks that this has to be really looked into and knows farmers need a break but this in her opinion is not the way to go.

Councilman Sexton reached out locally to Cornell Cooperative Extension and Cornell Cooperative Extension suggested reaching out to DEC who is regulated by EPA. Councilman Sexton is looking forward to hearing what the DEC specialist has to say when they come to the town board meeting.

Councilman Smith stated the Harvester is out of the pond and at Rozell's having the hull sandblasted and painted. Next month there should be a full report on what happened with the Harvester over the summer.

Town Clerk's Report was given for September 2021.

Highway Superintendent Report: The Highway Superintendent reported that they finished their sand pile ready for winter; put plows on trucks – seems early but you never know; got grade all back – circuit board shorted out in front which shorted out the computer. Sent the computer to Florida, had it repaired and been running well for last week – week 'n half. Doing brush cutting; a lot of ditch work and keeping roads graded up.

The Highway Superintendent stated they are cracking the valve at the dam October 14, 2021 at about 3:30 p.m.so if anyone has boats in they better get them out.

The Highway Superintendent stated a truck needs to be ordered within the next month may see January 2022. If you wait any longer could be two (2) years. It would be the same truck as purchased in 2019 which cost \$203,000.00 which will be paid off in the Spring. No tax increase because the grader would be paid off. The same truck would be \$235,000.00 and the price is climbing up month to month. Payment wouldn't be due until January 2023. Supervisor Hall instructed to Highway Superintendent to discuss at October 28, 2021 budget workshop.

Supervisor Hall asked about paving. The Highway Superintendent advised they have about three (3) days left and being told about 35 days out on the list.

Enforcement Officer Report not present but a paper copy of his September 2021 report was distributed and read aloud by Councilman Sexton.

Historian: Not present

Dog Control Officer: Not present – Supervisor Hall asked the Town Clerk to mention the dog shelter agreement currently in place with Countryside. The Town Clerk advised that she received notice by email from Countryside that they would not be renewing the contract with the Town of Fort Ann for sheltering purposes for 2022.

4.0 Old Business Nothing to report on

4.1 "A Local Law Regulating Short-Term Rentals in the Town of Fort Ann" or

4.2 "A Local Law Amending the Town of Fort Ann Site Plan Review."

RESOLUTION #57-2021

RETIREMENT STANDARD WORK DAY AND REPORTING RESOLUTION FOR ELECTED AND APPOINTED OFFICIALS

On motion of Councilman Smith, seconded by Councilwoman Witherell to accept resolution entitled "Retirement Standard Work Day and Reporting Resolution for Elected and Appointed Officials."

ADOPTED AYES 5 Sexton, Smith, Stark, Witherell, Hall

RESOLVED, that five (5) members were present and voted in favor of this resolution.

RESOLUTION #58-2021

APPROVING KINGSBURY BARNSTORMERS SNOWMOBILE CLUB LETTER REGARDING THE USE OF NIAGARA MOHAWK'S PROPERTY

On the motion of Councilman Sexton, seconded by Councilman Smith to accept resolution entitled "Resolution Approving Kingsbury Barnstormers Snowmobile Club Letter Regarding Use of Niagara Mohawk's Property."

ADOPTED AYES 5 Sexton, Smith, Stark, Witherell, Hall

RESOLVED, that the Town Board of the Town of Fort Ann has no objection for the Barnstormers Snowmobile Club the use of the proposed snowmobile that cross any Niagara Mohawk properties and that the Supervisor is authorized to notify National Grid and provide the Town's consent relative to the Barnstormers Snowmobile Club use of the proposed snowmobile trail.

RESOLUTION #59-2021

FOR COACH RICH MCCABE DAY

On the motion of Councilman Sexton, seconded by Councilwoman Witherell to accept resolution entitled "Resolution for Coach Rich McCabe Day."

ADOPTED AYES 5 Sexton, Smith, Stark, Witherell, Hall

RESOLVED, this Town of Fort Ann Board does hereby declare that Saturday, October 16th, 2021 as Coach Rich McCabe Day in a show of appreciation of his dedication and hard work in the betterment of our School District and community.

RESOLUTION #60-2021

FOR THE TOWN OF FORT ANN TO SET A PUBLIC HEARING FOR THE FINANCING OF A NEW FERRARA INFERNO ENGINE TANKER TO BE PURCHASED BY THE WEST FORT ANN VOLUNTEER FIRE COMPANY, INC.

On the motion of Councilwoman Stark, seconded by Councilman Sexton to accept resolution entitled "Resolution for the Town of Fort Ann to set a Public Hearing for the financing of a new Ferrara Inferno Engine Tanker to be purchased by the West Fort Ann Volunteer Fire Company, Inc."

ADOPTED AYES 5 Sexton, Smith, Stark, Witherell, Hall

RESOLVED, a public hearing shall be scheduled for the consideration of the financing of the proposed purchase of a new Ferrara Inferno Engine Tanker on October 28, 2021 at 6:05 p.m. and that the Town Clerk shall be directed to publish a public notice of the Public Hearing in the official newspaper, The Post Star, relative to the financing of the proposed purchase of a new Ferrara Inferno Engine Tanker, and the Town Clerk is hereby directed to also post said notice in accordance with the applicable law.

RESOLUTION #61-2021

APPROVING THE INTERMUNICIPAL AGREEMENT WITH WASHINGTON COUNTY FOR TAX COLLECTION SERVICES

On the motion of Councilman Sexton, seconded by Councilman Smith to accept resolution entitled "Resolution Approving the Intermunicipal Agreement with Washington County for Tax Collection Services."

ADOPTED AYES 5 Sexton, Smith, Stark, Witherell, Hall

RESOLVED, the Town of Fort Ann, hereby approves entering into an intermunicipal agreement with Washington County tax collection services in accordance with section 578 of the NYS Real Property Tax Law. The Supervisor is hereby authorized to enter into an Intermunicipal Agreement on behalf of the Town of Fort Ann subject to final attorney approval.

6:44 p.m. **Open Public Discussion** began with Penny Gould asking about the Harvester. Councilman Smith responded that he personally went over the Harvester and it is in need of minor repairs but he expects it to last another four (4) or five (5) years.

Katelyn Moskos was wondering why there was nothing on the September 20, Planning Board agenda. Supervisor Hall asked her to ask the gentleman that was sitting next to her that question because he happens to be the Planning Board Chairman, Don Bedeaux. Mr. Bedeaux advised that he asked the Attorney for the Planning Board, Jeff Meyer, to explain to him about Short-Term rentals so that is the only reason it was brought up at the September 27, 2021 Town of Fort Ann Planning Board Meeting. Katelyn thought that the October 28, 2021 public hearing that is on the town's website calendar was for short-term rentals. The October 28, 2021 public hearing is for the annual budget. Supervisor Hall told Katelyn that the town is working on a lot of different items and not even close to having a public hearing for short-term rentals.

6:44 p.m. **Closed Public Discussion**

Supervisor Hall announced that executive session was necessary this evening but there would be no action taken so if people wanted to leave they could but were welcome to stay. Executive session was called for the following reason: medical, financial, credit or employment history of a particular person/corp, or matters leading to said dismissal, removal, promotion, appointment, employment, discipline, demotion, or suspension.

6:45 p.m. motion was introduced by Councilman Sexton, seconded by Councilwoman Witherell to go into executive session

7:07 p.m. motion was introduced by Councilman Sexton, seconded by Councilman Smith to go out of executive session.

Motion was introduced by Councilwoman Stark, seconded by Councilwoman Witherell to adjourn. All members voting in favor to adjourn at 7:08 p.m. with no action having been taken in the executive session or in open session on matters before the town board.

Motion was carried unanimously.

Total Abstracts:	Hadlock Park District:	\$	91.58
	Youth Commission:	\$	1,229.60
	General:	\$	4,202.82
	Highway:	\$	15,168.63

Respectfully submitted,

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

Dated: October 21, 2021