

**MINUTES OF THE REGULAR TOWN BOARD MEETING OF THE TOWN OF FORT ANN HELD ON MONDAY, October 17<sup>th</sup>, 2022 AT 6:00 P.M. AT THE FORT ANN TOWN HALL**

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

**ABSENT:** Paul Winchell-Highway Superintendent  
Christine Milligan-Town Historian  
Jeff Meyers-Town Attorney

**OTHERS PRESENT:** Miranda Herringshaw-Town Clerk, Mark Miller-Enforcement Officer, Chad Wilson, Katelyn Moskos, John Moskos, Shelbie Paulson, Josephine Devecchi, Bill Bailey, Lyle Washburn, Mary Davis, Wendy & Eric Pillemer, Jeremiah Bach

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 residents;  
Estella Corlew, Richard Simmonson, Jane Reynolds, Donald Raymond, Todd Savage, and Bruce Graves.

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

Motion was carried unanimously.

Motion was introduced by Councilman Sexton, seconded by Councilman Smith to accept the Regular Town Board Minutes of September 12<sup>th</sup>, 2022.

Motion was carried unanimously.

Motion was introduced by Councilwoman Witherell, seconded by Councilman Sexton to accept the Budget Workshop Minutes of October 5<sup>th</sup>, 2022.

Supervisor Hall read the August 2022 monthly financial statement.

**Receipts for the month of August**

**Checking Account Balances**

General Fund	\$ 83,386.04
Highway Fund	\$ 63,424.50
Youth Commission	\$ 7,298.14
Hadlock Dam Project	\$ 240.09
Hadlock Park District Fund	\$ 2,847.47
Consolidated Health District	\$ 370.48

Trust & Agency Fund                   \$ 2,443.60  
Medical Reimbursement Fund       \$ 5,242.06

**Savings Accounts**

NYCLASS-General Fund               \$ 1,142,536.11  
NYCLASS-Highway Fund               \$ 495,305.84  
NYCLASS-Hadlock Park District     \$ 91,446.37

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

Motion was carried unanimously.

**6:03 p.m. Public Comment opened.**

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

**Supervisor’s Report:**

Supervisor Hall stated “Having talked with supervisors Strove he was looking to do with your special tax district for taxation purposes, for the Town of Fort Ann in order for us to put something in our budget, so as I researched it a little bit further, this has been going on for 50 years that Pilot Queensbury EMS has been covering the medical emergency management services up in Pilot Knob. However, there's what they call a certificate of need, that each emergency squad has to file with the state and the state then it gives them approval to fill in that area. So, in Warren County for all these and I can't go back in time because we couldn't trace it back, we thought it was a gentleman's agreement that had been done originally, and it continued on, so in researching it, what I found out was that the Bay Ridge Rescue Squad and Queensbury Rescue Squad will be merging and with that they will now be serving all of Warren County. As it stands now as the North Queensbury Rescue Squad will remain independent as there is as a northeastern area of Queensbury. They're not authorized by the state to do for The Town of Fort Ann due to the certificate of need very clearly saying the village of Fort Ann and the Township of Fort Ann and Pilot Knob clearly falls within the Township. So as of the third of this month, Fort Ann EMS started covering the Pilot Knob area. So far, they've had their first two calls up there one was on the fourth and one was on Saturday morning I believe it was and so the dispatchers now and are being dispatched out from Washington County to the Fort Ann EMS to cover the Pilot Knob area. We have a meeting tomorrow with Queensbury to discuss this further, but I made the change when I made it because it was very clear that the Town of Fort Ann was responsible for it and legally Queensberry wasn't, and God forbid something happened within an interim that Queensbury didn't cover it for whatever reason, lack of vehicle in the area and mutual aid didn't pick up whatever the case may be, it was very clear that the town of Fort in would be held liable for any malpractice actions that may have happened as a result of not having that covered. So that's where we are at this point in time. I don't foresee that changing as we speak because Queensbury would have to get their certificate of need modified. I think we will be doing what we're doing in the interim anyways, so I just wanted to bring that to light tonight because that's something that has happened. I have spent a considerable amount of

time the last couple of weeks working on this issue, to ensure the Town had all of our I's dotted and our T's crossed and the Fort Ann EMS said can they handle the Pilot Knob area based on current caseload, and from my understanding the first two calls went okay, obviously the main concern from the individuals up in Pilot Knob is the response time, which, supposedly, according to our rescue squad, without any lights or sirens they were able to make it from one end to the other and 14 minutes, so that's obviously not as quick as they can be there from North Queensbury. The reason Queensbury is merging is because like a lot of other Emergency Squads they are having issues, with staffing and finding coverage. So, you know, I think it'd be a good merger for them with Bay Ridge, but that's something they've got to work as to how they're going to do that and that's where we are with that for the time being."

Councilwoman Witherell stated "I just have a couple questions on the little park down here at the corner of Clay Hill. One there's a small boat it's been parked there for like two and a half, three weeks. The little rowboat does have numbers on the side, so it probably is registered, but I think it's just tied to the tree. I don't know if that's something that's legal. Also, do we allow camping overnight down there? There is somebody that's been there and pretty regularly."

Supervisor Hall stated "I will check with on that., from our perspective, being able to enforce anything that really belongs to the village. I can certainly contact the mayor and in some cases, we have obviously offered our assistance to do what we can from the Town to help out down there but I don't know, I will check with him. He may have given somebody permission."

Councilman Sexton stated "I don't really have too much the only thing I want to touch on is your discussion about Pilot Knob and the rescue squad covering that area. So as long as I was involved in the rescue squad, it's always been the largest EMS district in Washington County, it goes from the Granville line to Whitehall, to Kingsbury and all the way to the Shelving Rock, so it's an expansive district to begin with. If I did have any doubt of response times or I didn't think Pilot Knob was capable of filling in the interim until Fort Ann got there that is something I would certainly address. I do feel that Fort Ann EMS will be capable of handling it and I think that in the long run will make out okay with that. Any basic questions, please do reach out to us because that's what we want, is to hear any questions or concerns."

Councilman Smith stated "Quiet month, I did receive a couple of calls on draining of the pond, which was addressed. The other thing is our total weed take for the season was 34,600 pounds. Well, that's a lot of weeds. That crew did a wonderful job. The harvesters now setting on cribbing waiting for the water to go down and waters down a harvester will be setting on dry land on cribbing."

Councilwoman Stark stated "As far as anything goes with Office of the Aging, GoGo grandparents the rides are back. I put an announcement up on the bulletin board. Anybody ages 60 and older who needs a ride to a doctor's appointment, grocery store, social events, trips to the pharmacy could call a number in Hudson Falls and get a ride for \$3 and it's supposed to be a very good system from what I'm hearing. Also, it looks like we're going to have the fishing derby again this year. I have to contact Cathy Matier get a date and it looks like it's going to be a go when they get ice."

**Town Clerk's Report** was given for September 2022. Town Clerk also read thank you card from the Graves Family.

**Highway Superintendent Report:** Not Present

**Enforcement Officer Report** Paper report given to Town Board Member's for September 2022.

**Historian:** Not present.

**Dog Control Officer:** Not present, report was read by Supervisor Hall.

**4.0 Old Business:**

- 4.1 A Local Law Regulating Short-Term Rentals in the Town of Fort Ann
- 4.2 A Local Law Amending the Town of Fort Ann Site Plan Review

**5.0 New Business:**

**RESOLUTION #82-2022**

**APPROVING CDPHP HMO SILVER – 324**

On the motion of Councilman Sexton, seconded by Councilman Smith & Councilwoman Witherell to accept resolution entitled "Resolution Approving CDPHP HMO Silver-324"

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

**RESOLVED**, that upon due deliberation of the available policies taking into account the employee's needs, the available coverages and the costs associated therewith, the Town Board of the Town of Fort Ann approves CDPHP HMO Silver – 324 and having CDPHP HMO Silver – 324 as the health insurance administrator effective December 1, 2022.

**RESOLUTION #83-2022**

**RESOLUTION ACCEPTING COURT CLERKS RESIGNATION AND APPOINTING THE NEW COURT CLERK OF THE TOWN OF FORT ANN**

On the motion of Councilman Sexton, seconded by Councilman Smith to accept resolution entitled "Resolution accepting Court Clerks resignation and appointing the new Court Clerk of the Town of Fort Ann"

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

**RESOLVED**, that the Town Board of the Town of Fort Ann hereby appoints Brittany Blair, to work part time as a clerk for The Fort Ann Town Justice, effective October 6<sup>th</sup>, 2022 to serve until November 11<sup>th</sup>, 2022; and NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Fort Ann hereby appoints Brittany Blair, to Court Clerk to be paid an annual salary of \$18,175.00 to be prorated for the remainder of the year.

6:32 p.m. **Open Public Discussion**

**Eric Pellemer stated** “We're planning on putting a ground mounted solar energy system for our own use on our property. We met with planning board last month and they said from their standpoint, they had no problem and they pushed through said we need to meet with you folks, and get your approval for a waiver. Your town board may not be familiar with this from 2016, if you're greater than 12 kilowatt you have to go through a site plan review process before the planning board. Ours is going to be 22.8 kilowatt so we'll see the amount but given the fact that this is located on our property, our neighbors have already signed off and said they had no concerns about it. Nobody's going to be able to see this at all, even ourselves it will be at the way back of the property. It's up to the town to grant us a waiver so we can get the building permit basically, we've already started the building permit process with Washington County and talked to Mr. Miller, as well about that and the only other thing we added there is we are located entirely within the Adirondack Park. And have already received a waiver from the Adirondack Park Agency, we don't need a waiver or permit from them so they don't have any jurisdiction. That's basically the projects and have any questions about that?”

**Supervisor Hall stated** “We put our packet. So “This is the packet that he's put together and presented it does have the waiver from the Adirondack Park Agency in there included. This is a for personal use. It's not for business use. And I think that there is definitely a difference in people putting solar panels, we have them up all through the town, you know people have for their own residential properties. And this one, I do know where he's talking. I would like to make a motion to approve a waiver for this project. Do I have a have a second? Councilwoman Witherell Seconded, is there any discussion? All in favor signify saying aye. Aye. Opposed? Carried”

**Jeremiah Bach** stated his name and said he was from Needhamville Lane- “Here to discuss something you guys have already been discussing. You know, it's ironic to sit and see people follow the rules and follow the laws and come and seek proper approval. There is absolutely no question that what's going on down there's business. When you run a paving company, you don't have a retail storefront. You keep your equipment somewhere your employees show up in the morning. You bring the equipment back there, you work on the equipment, you bang on stuff you have 275-gallon IVC totes of random chemicals strewn about. I've got some pictures here. The road is continuously blocked for I'm talking six hours at a time where your half driving off the road. I stopped on Saturday and said you realize this is the public road, there was a there was a confrontation that was I followed to my house at that point they made the smart decision to keep on their side of the road. But this this ruse of this isn't a business and this isn't me you got pavers, dump trucks, trailers, graders, skid steers. Here, I've got pictures, because I just figured that the only way to show what's actually going on in here is to just give you a proof and just show you exactly what's going on because you guys aren't down there all the time. You don't live there, and you don't get to see what I'm seeing. So, I figured maybe if I was able to show you what I'm see we might have a more reasonable outcome.

**Supervisor Hall** told Mr. Bach to give the photos to Councilwoman Stark and they would pass them around to all the board members.

**Jeremiah Bach**— “The first one there's a picture of a condition on the road that is an-every other day occurrence. The second one here this one, we've got random totes of chemicals laying around. When

my girlfriend spoke with the Code Enforcement officer, she was told that" it's not a concern because it's not our property, it's their property to dump and do with what they please" We are on a well"

**Mark Miller-** "Who told them that?"

**Jeremiah Bach-** "I believe you did."

**Mark Miller-** "No sir. I never said a word such as those words. So, I don't know what you're talking about."

**Jeremiah Bach-** "And, also, I also heard that it was a part time gig. What do you expect me to do? Statements like that it was a part time gig that those words sound familiar?"

**Mark Miller-** "What this job, was a part time gig. Yep. Virtually everybody I talked to about it."

**Jeremiah Bach** – "Okay. Well, when someone is expressing concern to you explain to them it's a part time gig. What do you expect me to do? Well, probably enforce the codes."

**Mark Miller** – "Those are not the words I said either, you understand you are on record here, do you understand that? "

**Jeremiah Bach-** "I do. And I'm not I'm not being unreasonable. I'm not raising my voice."

**Mark Miller-** "You are speaking of a conversation, you had nothing to do with."

**Jeremiah Bach-** "I am speaking of a conversation, if you really want to push the issue that's recorded. So, if you'd like me to bring that to the next meeting."

**Mark Miller-** "Oh, that's something Yeah."

**Jeremiah Bach-** "Yeah. We're playing hardball."

**Mark Miller-** "Good. I understand that because, I understand that, and we made demand come to the planning board. That's what we're supposed to do. You understand? That's what we're supposed to do. Bring him to the planning. He tells just like Sam said, what he tells you what he tells you is what you have to assume and now you have this evidence. This is different."

**Jeremiah Bach-** "We just you know, there's really not that much more to say it's a business the road is to constantly destroyed, there are a few pictures in there of a six-hour span on Saturday where the road was blocked. Almost three quarters of the way that lane is not even wide enough for two cars to pass by, and we've got one ton pickup trucks with 25 foot trailers and skid steers parked and then when we try and go by there's a confrontation, I mean, you can call it what you want but it's a business you keep your equipment somewhere you meet there in the morning and go leave and do the job and you come back that's what a paving business is."

**Supervisor Hall-** "I believe what's going to happen now, is I believe Mark is going to get this back to the planning board, get him to go back to the planning board and explain why he's running the business on it."

**Jeremiah Bach-** "Not to mention the fact that they're completely rebuilding a house zero permits. I want to finish and put a room in my basement. I need to go get a permit. I get a letter which we deserve

because we're late on the dog, our dog license that the dog license has expired, but I needed to do it within a week to avoid penalty action. And meanwhile, this guy's creating all this havoc on the street and we have to be the ones to fight to get something done. I don't really understand, our kids we've got two kids who used to ride bikes on the road. They used to, you know, within reason right around our house, not just free roam down the street. I don't put them on the street and random people driving trailers to the corner of my yard. It's just a complete mess and anyone that took a ride down there and observed it, would know instantly what we are talking about, it's just not right it's really severely affecting the quality of our life. And to be perfectly honest, I know it doesn't mean much to anyone else. If we're going to have to do this for the next 20 years of our life, we're done. I'll put the place up for sale because this whole it's not a business."

**Mark Miller-** "When he's blocking the road, call the police"

**Jemimah Bach-** "And then what? We are gonna sit there and wait 30 minutes and bother the police"

**Supervisor Hall-** "We will address this, okay."

**Jeremiah Bauc-** 'I don't tend to come off as brash. It's just it has been four plus months and it's frustrating and it's something that just continues to build. Councilman Sexton's parents live down the street. He knows exactly what we're talking about. I'm not just being a nosy neighbor. I'm very much like libertarian, you know, do what you want on your property. You know, within reason I don't care about what they're doing building inside of their house. I don't care at all but when you start affecting all of us this much, it's a problem. How they ripped up the neighbor's house across the street is apparently having them do work and they have ripped his place all up which is his to do whatever, which is across the streets and essentially, I have to drive through a big construction site every day to go to work. It's just absolutely out of hand. And then he comes in and says I'm not running the business I just bring the trucks back there to heat it up and scrape all the asphalt out on the ground."

**Supervisor Hall asked Jerry Ross** "So you understand you need to come to the planning board with this right?"

**Jerry Ross-** "I understand I get harassed every day."

**Supervisor Hall-** "No, that's not the question. The question is..."

\*\*At this time both Jeremiah and Jerry had words back and forth, which both were speaking at the same time and it is unclear of what is being said. Other than Jeremiah Bach states "that we are going to keep doing it."

**Supervisor Hall-** "Gentlemen, Gentlemen, gentlemen. We're not going to do this here."

**Jerry Ross-** "We're going to take you to court." (Speaking to Jeremiah Bach)

**Supervisor Hall-** "On the civil case you can do what you want to do but, in the town, you need to bring it before the planning board because it is a business."

**Jerry Ross-** What, I go home and park my trucks, that's a business? I am not selling anything, it's not like I bring a load of stone there, and I say Joe, come on over, give me 50 bucks, and he is going to take it away."

**Supervisor Hall-** “You don't have a service. That's not your equipment that is there?”

**Jerry Ross-** “I don't run a service there, I go to my jobs, to my customers. That's what I do. I pretty much just bring the truck home”

**Supervisor Hall-** No that's not what you do, you don't just bring one truck home. There's more than one truck. I've seen other equipment.

**Jerry Ross-** “I can't drive two trucks at the same time.”

**Supervisor Hall-** Well, there had been more than out there overnight and stuff. You got camper trailers out there. I witnessed it myself.”

**Jerry Ross-** I am removing equipment so this clown over here will stop taking pictures every day, like it's okay.”

**Supervisor Hall-** “If you run a business, you still have to come to the planning board, if you're running a business and you are running a business.”

**Jerry Ross-** “How do you figure I am running a business? I'm not selling anything.”

**Supervisor Hall-** “You're providing a service you haven't got to sell to be providing a service and that's what you're doing out there. Okay, so that's where it needs to go. It needs to go back to the planning board, provide them with what they need so they can make a decision on it and we can go from there.”

**Jerry Ross-** “I'm just gonna sell my house and move out of this God forsaken town because that's about what it is.”

**Supervisor Hall-** “Well, you know, you had the same problems in Queensbury.”

**Jerry Ross-** “Actually, I didn't have any issues out in Queensbury”

**Supervisor Hall-** “Well, I know what he's saying about the roads because I drive those roads all the time and equipment was there.”

**Jerry Ross-** “I didn't take cash there, I helped them out.”

**Supervisor Hall-** “Wow, okay, well, slowest job I ever saw because of the amount of time it was there almost for well over a month.

**Jerry Ross-** “It takes money to put gas in vehicles, so I have to make money to be able to put the stuff away. I was helping the neighbor out of the kindness of my heart.”

**Councilman Sexton-** I think the appropriate actions are for him to come back to the planning board. I think the planning board needs to look at the local laws, the local regulations and local ordinances to say yes, he is within those parameters or no, he was not within those parameters. If he's not within those parameters, we need to discuss it with our town attorney or town attorney will take the corrective action that the homeowner probably needs to take whether it is or is not a business. I think that's the appropriate route to go here.

**Supervisor Hall-** “And a civil action is separate from all of this.”



**Councilman Sexton-** “Whatever you’ve got going on civilly is another issue that doesn’t need to play out here, let’s just let that play out in the court system. The local laws, local ordinances, we'll let those things play out and bring this to the planning board. Jeff (the towns attorney) is not here tonight; Sam and I will talk to him before the next meeting or before the next Planning Board meeting. So, sir, my advice to you would be to contact the planning board get put on their agenda and you come in with everything that you have and go that route.”

6:53 p.m. **Closed Public Discussion**

6:58 p.m. Motion was introduced by Councilman Smith, seconded by Councilman Sexton to adjourn.

Motion was carried unanimously.

Total Abstracts for August:	General:	\$ 34,275.47
	Highway:	\$16,609.37
	Hadlock:	\$1,323.77

Respectfully submitted,

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Miranda Herringshaw, Town Clerk  
Town of Fort Ann, New York

Dated: October 18, 2022