

MINUTES OF THE REGULAR TOWN BOARD MEETING OF THE TOWN OF FORT ANN HELD ON MONDAY, DECEMBER 10, 2018 AT 6:00 P.M. AT THE FORT ANN FIRE HOUSE

PRESENT: Supervisor Richard Moore
Councilman Dennis Fletcher
Councilman Samuel Hall
Councilwoman Gretchen Stark
Councilwoman Deborah Witherell

OTHERS PRESENT: Barbara Winchell, Town Clerk, Paul Winchell, Highway Superintendent, Helen Denno, Bookkeeper, Jeff Meyer, Attorney for the Town, Mark Miller, Enforcement Officer, Dale Grinnell, Bill Bailey, Penny Gould, Chad Wilson, Hannah Barber, Arlene Green, Laura Chadwick, George Sherwood, George F. Smith

Meeting was called to order at 6:00 p.m. with the Pledge of Allegiance to the Flag. Moment of silence is not necessary tonight.

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

Motion was carried.

Motion was introduced by Councilman Fletcher, seconded by Councilwoman Stark to accept the Regular Town Board Minutes of November 13, 2018. Councilwoman Witherell abstained as she was not in attendance.

Motion was carried.

Motion was introduced by Councilman Hall, seconded by Councilman Fletcher to accept the Special Town Board Meeting Minutes from November 27, 2018.

Motion was carried.

Supervisor Moore read the November 2018 monthly financial statement.

Receipts for the month of November

General Fund \$ 67,797.49

Disbursements

General Fund \$ 65,590.92

Highway \$ 127,616.91

Checking Account Balances

General Fund \$ 89,496.80

Highway Fund \$ 43,976.82

Youth Commission \$ 1,149.61

Hadlock Dam Project \$ 240.01

Hadlock Park District Fund \$ 3,330.00

Consolidated Health District	\$	461.99
Trust & Agency Fund	\$	995.78
Medical Reimbursement Fund	\$	99.99

Savings Accounts

General Fund	\$360,278.59
Hadlock Park District	\$ 59,501.76
Highway Fund	\$145,570.64
LOSAP	\$ 15,211.60

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

Motion was carried.

Public comment opened at 6:05 p.m. on tonight’s agenda. Bill Bailey referred to the Hadlock Pond Park Manager Position that is listed on tonight’s agenda. Mr. Bailey referred to the 11/27/18 special town board meeting and dividing up the duties. Mr. Bailey is concerned about who is going to do some of the jobs covered under the Park Manager position if it doesn’t get filled as currently designated: park district annual budget; annual report to regulators; keep track of water chestnuts for instance; as well as evaluate its success. Mr. Bailey also mentioned Aqualogic contract that is listed on tonight’s agenda. Mr. Bailey stated there are more duties than the day to day activities of the Harvester.

Supervisor Moore responded he will touch on these items later in the meeting as he gets through the agenda. Supervisor Moore stated he won’t have all the answers tonight but will have some suggestions.

Public comment closed at 6:08 p.m.

Public Hearing continued from November 13, 2018 at 6:09 p.m. for considering a proposed local law decreasing the number of planning board seats from seven (7) to five (5). This was advertised in *The Post Star* on October 30, 2018.

This was tabled from the November 13, 2018 regular town board meeting.

Public Hearing closed at 6:10 p.m. with no comments.

Supervisor’s Report:

Supervisor Moore signed the contracts that the Town Board authorized him to do for LED lights at the Town Hall and Highway garage. Work has to be done before end of December in order to qualify for incentive. Work will begin at the Highway garage first. There will be no work at the Town Hall on Wednesday because of Town Court being held on Wednesday’s.

On 12/7/18 notification was received from NYS DOT that there will be 30 mph posted on the paved section of Lake Nebo Road. Also, received notification from NYS DOT that Mattison Road will be posted at 45 mph between Kingsbury town line and Rte 149.

Supervisor Moore asked the Town Clerk and Councilwoman Witherell to work with the Dog Control Officer on his proposed animal law rewrite received by email November 20, 2018. Councilman Fletcher

stated from what he has read and understands this would mirror Town of Kingsbury. Supervisor Moore responded yes.

Supervisor Moore stated that he attended a septic system meeting in Lake George December 6, 2018 and he will continue to look into this. He would like to have a meeting after the 1st of the year with the Lake George Water Keeper.

Supervisor Moore stated the annual financial review will take place January 17, 2019 at 10:00 a.m. at the Fort Ann Town Hall and it is open to the public.

Supervisor Moore received correspondence from New York State Empire State Development dated December 4, 2018 with regard to New NY Broadband Program Phase 3 Hughes Network Systems, LLC Projects. Public hearings are required and being held in Stueben County IDA Building; Indian Lake Town Hall and Marlborough Town Hall. The Town Clerk has a list for anyone interested in a copy of dates/times.

Councilwoman Stark reminded everyone of the annual ice fishing derby at Hadlock Pond on January 12, 2019.

Councilwoman Stark announced that there is a Senior Citizen luncheon at the Old Stone House Library tomorrow. The cost is \$3.00 for lunch and reservations are needed. Washington County Deputy Earl and his canine partner will be the presenter.

Councilwoman Stark stated that the Office for the Aging meeting did not take place as scheduled due to the fire alarm going off at the Washington County Building.

Councilman Hall is working with The LA Group to have a meeting in January regarding Battle Hill.

Councilman Fletcher stated that Battle Hill Brewery appreciated the letter of recognition they received from the Town of Fort Ann.

Councilman Fletcher announced that Councilman Hall and Christine Milligan were recognized in a letter to the editor in The Chronicle recently thanking them for their work on Battle Hill.

Councilman Fletcher also stated that an issue that the Enforcement Officer has been working on at Route 22 had three (3) RV's last week and four (4) this week. Enforcement Officer will follow-up on it.

Town Clerk's Report was given for November 2018.

Highway Superintendent Report: The Highway Superintendent stated they have been dealing with a few small storms; received new sander last week; finishing up at Lake Nebo Road from the recent beaver dam fail. The Highway Superintendent also wanted to mention that he heard from DEC, Marc Migliore, about the gradual bank slide on Farley Road. DEC is monitoring this with drones. The Highway Superintendent has been in contact with Supervisor Moore and Deb Donohue, Washington County Highway Superintendent. Deb Donohue advised she will send someone up to take a look at it and see what their thoughts are. Supervisor Moore asked the Highway Superintendent if the Town of Fort Ann ever dumped any materials over the bank and Paul responded never.

The Highway Superintendent stated back in the 90's the Highway Department fixed the road; changed the culvert a couple of years ago and put some cobblestone down to reinforce the bank. Supervisor Moore will be at Washington County December 12, 2018 and hopes to see Deb Donohue to discuss this. This is private property according to the Highway Superintendent. The Highway Superintendent said this could be an issue tomorrow or six (6) months from now – it's hard to predict. Supervisor Moore wanted the Attorney for the Town to be aware of this situation.

Enforcement Officer Report was given for the month of November 2018.

Historian Report: None

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

New Business: 5.1 Timing of Drawdown & Filling of Hadlock Pond

Supervisor Moore asked the Highway Superintendent's opinion on the recent question of timing of drawdown and filling of Hadlock Pond. The Highway Superintendent would like to see the drawdown stay where it is. Supervisor Moore suggested getting a petition around Hadlock and then the Town Board take action.

5.2 Hadlock Pond Park Manager Position: Supervisor Moore stated he has given a lot of thought to the Hadlock Pond Park Manager position. Supervisor Moore stated he has a very good understanding of the duties and responsibilities of this position. Many of the duties of the Park Manager would become the town's responsibilities. Supervisor Moore is recommending changing the title and duties to reflect that of Seasonal Harvesting Supervisor. This will have to be worked on with Washington County Civil Service Department. Supervisor Moore stated Hadlock Pond existed and survived before there was a Lake Park Manager. Supervisor Moore stated this has to stay within the adopted 2019 budget. Supervisor Moore has concerns with 2019 budget only allowing twenty-seven (27) days of mechanical harvesting during the months of June, July and August. Last year there was a problem of hiring staff for pontoon boats and it probably had to do with the limited number of work days. College kids or even high school kids want to work more than twenty-seven (27) days in the summer. Aqualogic's proposal: Dominic Jude, Owner, was recommending 70-80 days; price difference suction harvesting only budget \$1,000.00/day proposal \$1,250.00/day a 25% increase. Supervisor Moore asked for two (2) contracts from Aqualogic – one purchasing DASH boat the other suction harvesting only – no contracts were received. Supervisor Moore asked if there were a minimum number of days Aqualogic would operate. Aqualogic responded fifteen (15). Supervisor Moore finds it hard to believe there'd be a significant impact at fifteen (15) days. Supervisor Moore stated no decision will be made on number of days suction harvesting until number of days was decided upon to run the harvester. Supervisor asked Town Board if they disagree with his recommendations. No comments from Town Board. Councilman Fletcher asked about staffing of pontoon boats and recommended his grandson.

Supervisor Moore stated the two (2) most important accomplishments he can see were the GPS and collection of fragmentation.

5.3 Restructuring Assessor's Contract: Supervisor Moore stated that the Part-time Clerk to the Assessor's last day was Tuesday. Mike McGuire came to the Town of Fort Ann every Tuesday. It is not in John Bonanno's contract to come to the Town of Fort Ann weekly. John Bonanno has a contract with the Town of Fort Ann through September 30, 2019. John did hire Michele Stark to be in the Assessor's

Office on Tuesday's to be the face of the office when he is not here. Michele Stark doesn't have the skillset that Mike McGuire has. Supervisor Moore thinks very highly of Michele but it will take time to do what Mike McGuire was doing as Clerk to the Assessor. Supervisor Moore stated there are three (3) options:

- 1) Approve John's recommendation to come into the office twice a month.
- 2) Try three (3) months trial basis.
- 3) Go out for RFP.

Councilman Hall and Councilman Fletcher stated they would like to get out for an RFP

Laura Chadwick, Washington County Real Property, stated some towns are looking for the county for assessing services.

Supervisor Moore will have a conversation with John Bonanno, Municipal Assessment Services, tomorrow.

**RESOLUTION #113-18
AUTHORIZING THE ADOPTION OF LOCAL LAW 3 OF 2018 ENTITLED: A LOCAL LAW AMENDING THE NUMBER OF PLANNING BOARD SEATS IN THE TOWN OF FORT ANN**

On motion of Councilwoman Witherell, seconded by Councilman Fletcher to accept resolution entitled "Resolution Authorizing the Adoption of Local Law 3 of 2018 Entitled: A Local Law Amending the Number of Planning Board Seats in the Town of Fort Ann."

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

RESOLVED, the Town Board, upon due deliberation of the proposed local law finds that the adoption of the same is in the best interests of the Town. The Local Law entitled "A Local Law Amending the number of Planning Board seats in the Town of Fort Ann" is hereby adopted, a copy of which is attached hereto and made a part hereof. The unexpired terms of the vacant members are hereby terminated and the annual appointment of one (1) member per calendar year, shall continue in accordance with the unexpired terms of the existing members.

**RESOLUTION #115-18
ACCEPTING PART-TIME COURT ATTENDANT RESIGNATION**

On motion of Councilman Hall, seconded by Councilwoman Stark to accept resolution entitled "Resolution Accepting part-time Court Attendant resignation."

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

RESOLVED, that the Fort Ann Town Board hereby accepts resignation from Richard Scouten as part-time Court Attendant.

**RESOLUTION #116-18
APPOINTING PART-TIME COURT ATTENDANT**

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

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

RESOLVED, that the Town Board of the Town of Fort Ann hereby affirms the appointment of David E. Nabozny as Part-time Court Attendant as of January 1, 2019 at an hourly rate of \$12.75 for 12-15 hours per month.

RESOLUTION #117-18

ACCEPTING LETTER OF RESIGNATION FROM PART-TIME CLERK TO THE ASSESSOR

On motion of Councilman Hall, seconded by Councilwoman Stark to accept resolution entitled "Resolution Accepting letter of resignation from part-time Clerk to the Assessor."

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

RESOLVED, the Town Board of the Town of Fort Ann accepts Michael McGuire's letter of resignation from Part-time Clerk to the Assessor effective November 30, 2018.

RESOLUTION #118-18

ADJUSTING ASSESSOR'S CONTRACT TO RELECT THE RESIGNATION OF PART-TIME CLERK TO THE ASSESSOR

On motion of Councilman Hall, seconded by Councilwoman Witherell to accept resolution entitled "Resolution Adjusting Assessor's Contract to reflect the resignation of Part-time Clerk to the Assessor."

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

RESOLVED, the Town Board of the Town of Fort Ann hereby agrees to amend the contract with MAS to increase in the sum of \$4,000.00 as consideration for performing the additional work.

RESOLUTION #119-18

AWARDING CONSTELLATION NEWENERGY, INC. – NIMO-CI AS SUPPLIER OF ELECTRICITY TO TOWN

On motion of Councilwoman Stark, seconded by Councilman Fletcher to accept resolution entitled "Resolution Awarding Constellation NewEnergy, Inc.-NIMO_CI as supplier of Electricity to Town."

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

RESOLVED, that the Fort Ann Town Board hereby accepts the proposal offered by Constellation NewEnergy, Inc. and the fixed rate of \$0.06212 /kWh commencing January 3, 2019; representing a 31% reduction in cost from current supplier.

RESOLUTION #120-18

APPROVING AQUALOGIC, INC. THE SUCTION HARVESTING CONTRACT

WITHDRAWN

RESOLUTION #121-18

SETTING 2019 ORGANIZATION MEETING

On motion of Councilman Hall, seconded by Councilwoman Witherell to accept resolution entitled "Resolution Setting 2019 Organization Meeting."

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

RESOLVED, the Town Clerk is hereby authorized and directed to post and publish the requisite notice of Organization Meeting.

RESOLUTION #122-18

TO MODIFY THE 2018 BUDGET BY TRANSFERRING FUNDS BETWEEN APPROPRIATIONS

On motion of Councilman Hall, seconded by Councilman Fletcher to accept resolution entitled "Resolution to Modify the 2018 Budget by Transferring Funds Between Appropriations."

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

RESOLVED, that the 2018 budget shall be amended by transferring \$307.50 from Assessor – personal services to Assessor – contractual.

RESOLUTION #123-18

TO MODIFY THE 2019 BUDGET BY TRANSFERRING FUNDS BETWEEN APPROPRIATIONS

On motion of Councilwoman Witherell, seconded by Councilman Hall to accept resolution entitled "Resolution to Modify the 2019 Budget by Transferring Funds Between Appropriations."

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

RESOLVED, that the 2019 budget shall be amended by transferring \$4,120.00 from Assessor – personal services to Assessor – contractual.

RESOLUTION #124-18

APPROVING 2019 CONTRACT WITH MOUNTAIN MEDICAL FOR DRUG & ALCOHOL TESTING

On motion of Councilwoman Witherell, seconded by Councilwoman Stark to accept resolution entitled "Resolution Approving 2019 Contract with Mountain Medical for Drug & Alcohol Testing."

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

RESOLVED, the Fort Ann Town Board hereby accepts the proposal Mountain Medical Services to perform drug and alcohol testing for those certain employees of the Town of Fort Ann in accordance with the proposal submitted.

Open Public Discussion at 7:13 p.m. Laura Chadwick, Washington County Real Property Director, met with Senior Citizens to review the changed in law for the Enhanced STAR and IVP program and Veterans exemptions.

Supervisor Moore stated that Laura Chadwick does an exceptional job as Washington County Real Property Director and has a nice staff.

Dale Grinnell stated that Supervisor Moore has accomplished a lot in the last three (3) years.

Councilman Hall stated that the gentleman that was taking care of the water issue at the Old Stone House Library has passed. Will have to research further.

Supervisor Moore asked the Highway Superintendent to look at the thermostat at the Town Hall it is the old turn dial.

Arlene Green thanked Paul Winchell for changing the battery at the Old Stone House Library so that they had heat and leaving them with a supply of batteries so they can attend to it in the future.

Supervisor Moore asked Bill Bailey to give him a list of his questions/concerns for the Hadlock Park Manager position.

Close Public Discussion at 7:16 p.m.

7:17 p.m. Supervisor Moore announced that executive session would be necessary for ongoing litigation and to discuss 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. Motion was introduced by Councilman Fletcher, seconded by Councilman Hall to go into executive session.

Motion was carried.

7:37 p.m. Motion was introduced by Councilman Fletcher, seconded by Councilman Hall to return to regular session.

Motion was carried.

Motion was introduced by Councilwoman Stark, seconded by Councilwoman Witherell to adjourn at 7:38 p.m.

Motion was carried.

Total Abstracts:	General:	\$ 13,074.60
	Highway:	\$105,196.19
	Hadlock Park District:	\$ 175.00

Respectfully submitted,

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

Dated: December 19, 2018