

**MINUTES OF THE REGULAR TOWN BOARD MEETING OF THE TOWN OF FORT ANN HELD ON MONDAY, DECEMBER 11, 2017 AT 6:00 P.M. AT THE FORT ANN VOLUNTEER 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, Joe Loszynski, Callie Ginter, The Post Star, numerous Fort Ann and non Fort Ann residents

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, Bonnie Neddo, Walter Shaw and Mial 'Sonny' Pierce.

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

Motion was carried.

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

Motion was carried.

Supervisor Moore read the November 2017 monthly financial statement.

**Receipts for the month of November**

General Fund \$ 79,451.65

**Disbursements**

General Fund \$ 48,508.30

Highway \$ 86,491.10

**Checkbook Balances**

General Fund \$ 89,827.28

Highway Fund \$ 52,395.84

Youth Commission \$ 1,295.23

Hadlock Dam Project \$ 239.89

Hadlock Park District Fund \$ 2,209.00

Consolidated Health District \$ 253.35

Trust & Agency Fund \$ 395.49

Medical Reimbursement Fund \$ 100.60

**Savings Accounts**

General Fund \$ 520,035.63

Hadlock Park District	\$ 33,778.03
Highway Fund	\$ 245,173.13
LOSAP	\$ 14,317.48

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

Motion was carried.

6:02 p.m. **Public Comment opened** for items on the agenda. Michelle Vara, 6 Ballard Rd., Wilton asked that what she says be verbatim in the minutes. Supervisor Moore reminded her that this time was for only items on the agenda. Michelle continued with the town and village of Fort Ann have a long and sorted history settling this country in the pursuit of escape from Tear-ranee(tyranny) and rule. The Town and Village were named for the famous Battle of Fort Ann, fought in 1777 which lies on what was known as the “War Path of the Nation.” It seems nearly amazing in this day and age, We the People could be fighting to protect our civil, human and constitutional rights, from the Fort Ann Town Board, as they discriminate and act outside the law....Supervisor Moore asked her again to wait until later in the meeting to speak.

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

Supervisor Moore asked the following to speak Larry Bailey, Fort Ann Right to Farm Committee Chairman, Patricia Lockwood, Washington County Farm Bureau President and Councilwoman Witherell.

Mr. Bailey and Ms. Lockwood spoke against the proposed Ordinance providing for the Regulation of Small Farm Operations in the Town of Fort Ann and Councilwoman Witherell spoke in favor of the proposed Ordinance. Mr. Bailey stated that the Right to Farm Law is Local Law #1 and was adopted June 11, 2007. He stated it is the opinion of the Right to Farm Law committee this this ordinance is a direct conflict with the Right to Farm Law. This ordinance is very restrictive to the proper operation of farming not matter how big or small. The committee knows this ordinance was brought to the town board without following proper procedure outlined in the Resolutions of Disputes according to the Right to Farm Law. Paper copy is available at the Town Clerk’s Office for anyone who would like a copy.

Ms. Lockwood spoke of the important role that agriculture plays in New York State economy, especially in Washington County. She stated it is important for towns in Washington County to support farms not matter the size. She stated other towns in Washington County have a similar local Right to Farm Law that supports farming in general. She said to the best of her knowledge, there are no similar laws in Washington County towns that would be as burdensome and restrictive as this proposed law would be for farmers. Paper copy is available at the Town Clerk’s Office for anyone who would like a copy.

Councilwoman Witherell read the following no one is saying all small farms are wrong or abusive but the board is elected to protect all town residents. The residents are the people, the properties, as well as the animal that reside here. She stated the reason for this ordinance is we have a totally unregulated situation in the town and it is getting out of control. She stated the large farms would not be affected by this ordinance and have spread a lot of incorrect rumors to suit themselves, but in doing so they have made this a very public message. Paper copy is available at the Town Clerk’s Office for anyone who would like a copy.

**Public Hearing** opened at 6:21 p.m. Notice of Public Hearing was advertised in THE POST STAR on 11/30/17 regarding the adoption of an Ordinance providing for the Regulation of Small Farm Operations in the Town of Fort Ann to be held December 11, 2017 at the Fort Ann Central School.

Mike Gosselin, Fort Ann spoke against proposed ordinance.

Mike Dornan, Fort Ann spoke against proposed ordinance.

Nishan Dadian, Fort Ann spoke against proposed ordinance.

Matthew Jones, Fort Ann spoke against proposed ordinance. Went on to say this proposed ordinance is absurd and that Councilwoman Witherell should recuse herself from this room and this vote.

Kate Kamburelis, Fort Ann spoke against proposed ordinance. Went on to say this is a blatant abuse of public office and asked if anyone on the town board consult with the Right to Farm Committee before considering this.

Stacey Batchelder, Fort Ann spoke against proposed ordinance and stated the Town should have a new Deputy Supervisor.

Keith Locke, Granville stated that Mr. Bailey and Mr. Jones covered what he wanted to say.

Supervisor Moore stated he has been attending town board meetings for approximately 12 ½ years and he has never had anyone complain about animal abuse.

Heidi Bennett, Fort Ann spoke against proposed ordinance. She stated she brought something similar to the town about a year ago and she was told to take the man to civil court – that this is a civil matter. She feels this is an abuse of power.

Karen Rosick, Hudson Falls spoke against the proposed ordinance.

Teresa Cutter, Fort Ann spoke against the proposed ordinance. She says she has less than an acre of land and has chickens. She knows people that have animals and treat their animals better than kids.

Laura Burch, Fort Ann spoke against the proposed ordinance. She stated that the regulations are too restrictive and that it is her opinion that Councilwoman Witherell has a true conflict and there appears to be an ethics issue.

Lucy Burch, Fort Ann spoke against the proposed ordinance. She thanked everyone for their support during their fire. Didn't know how this would ever be enforced. She handed Mr. Bailey a dispute resolution request.

Supervisor Moore stated there is no intention of eliminating Right to Farm Law.

Grant Whitmer, Fort Ann spoke against this proposed ordinance. Stated this ordinance was poorly written.

Travis Locke, Granville spoke against the proposed ordinance.

Dick Burch, Fort Ann spoke against this proposed ordinance. Wants to see Councilwoman Witherell dismissed from being Deputy Supervisor.

**6:55 p.m. Close public hearing.**

Supervisor Moore asked the Town Board if they had any questions or comments. Councilwoman Stark stated she only voted to have a public hearing so that people in town would have an opportunity to speak.

Councilman Fletcher said no to the public hearing on November 13, 2017 and is voting no tonight.

Supervisor Moore had questions for the Town Board: How many small farms is there in Fort Ann? How many have less than an acre? Define livestock. Where do setbacks come from? Should a small farmer have to move a fence that has been farming for years with no problem? Does the Board need to give more thought? Ag district vs. non Ag district. Ordinance is not applicable to cats and dogs.

Councilwoman Witherell introduced a motion to adopt the proposed Ordinance Regulating Small Farms in the Town of Fort Ann, seconded by Supervisor Moore.

Supervisor Moore opened the resolution up to discussion by the Town Board and stated that the Town Board has three (3) options: #1 is to approve; #2 is not approve; #3 is to send back to committee and hold workshop(s).

There was further discussion by the Town Board of the ordinance, the provisions contained therein and the background behind the law.

Supervisor Moore stated he'd like to take a straw vote as to where the Town Board was leaning on the three options mentioned previously.

Councilman Fletcher reiterated that he would be voting against regulating small farms.

Councilman Varney stated he would be voting against the ordinance and that he was against regulating small farms.

Councilwoman Witherell stated she would be voting to approve the ordinance and that she would not be amending not withdrawing her resolution and requested a vote on the resolution as presented.

By a roll call vote of 1 Aye and 4 Nays, the resolution to adopt the Ordinance to Regulating Small Farms was defeated. See Resolution #110-17

**Supervisor's Report:** Supervisor Moore announced that tonight is Councilman Varney's last Town Board meeting that his 4 year term will be ending December 31, 2017. Councilman Varney was the Chairman of the cemetery committee and Supervisor Moore wished him all the best. Councilman Varney stated he did his best to keep taxes low while he was Councilman.

Supervisor Moore stated he had received a letter from Mrs. Feit, Hadlock Pond Rd., Fort Ann about having a traffic light at the intersection of Hadlock Pond Road and Route 149. This was referred to NYS DOT.

Supervisor Moore stated he received correspondence from Transmission Developer about 1,000 megawatt from Canada to Queens, NY and they are contacting towns in Washington County. They want to come across one of our roads – not going to happen overnight.

Supervisor Moore stated the town was notified of legal action from Carte, Campbell, Greene's against Town of Fort Ann, Town Board and Fort Ann Planning Board, Jeremy Treadway and Mark Miller, Enforcement Officer.

Hudson Valley Grant was approved \$20,000.00 matching grant. American Legion still doing work. Supervisor Moore asked for the Town Board's approval to go out for RFP. All were in favor.

**Town Clerk's Report** was given for November 2017. The Town Clerk mentioned that there is a Part-time Planning Board Secretary vacancy. The Town Clerk mentioned that there is a box set up for Toys for Girls and Boys at the Fort Ann Town Hall through Tri County Marines. Anyone is welcome to drop off unwrapped toys.

**Dog Control Report:** Monthly report received electronically to Town Clerk. A paper copy was given to Town Board Member's.

**Highway Superintendent Report:** The Highway Superintendent reported that they've been busy cutting brush. He asked for permission to go out for a new pick up. All were in favor.

The Highway Superintendent asked to have add two (2) as needed on call MEO's for the winter months.

Motion was introduced by Councilwoman Stark, seconded by Councilman Varney to hire an as needed two (2) on call MEO's for the winter months as the MEO starting rate.

Motion was carried.

Councilwoman Stark attended Citizen Preparedness Corps training in Hartford on November 27, 2017. She stated that the Town of Fort Ann Emergency Plan needs to be reviewed and updated. She stated the Ice Fishing Derby will be January 20, 2018. She has posted Office of the Aging information at the Fort Ann Town Hall

Councilman Fletcher stated he attended the East Westfield cemetery dedication. He was very disappointed that there wasn't better attendance. The Historical Society said they didn't know about it.

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

**Historian Report:** None

**Lake Hadlock Project Manager**, Joseph Loszynski, emailed the Town Board earlier in the day that there was no report this month because of the time of year but he would be in attendance at meeting if anyone had any questions.

**New Business:** Dave DeLor spoke regarding the expansion of the West Fort Ann Fire house and asked for a Public Hearing to be held on January 8, 2018 with regards to the financing of this project. The Town Board agreed to the Public Hearing on January 8, 2018 at 6:05 p.m.

Michelle Vara was advised that the personnel matter would be discussed in executive session.

Dale Grinnell stated there is a need in Fort Ann for cemetery land.

Barbara Eagle followed up on the banner request from last month. There is \$300 in the 2018 budget for banners. The Town Board approved the spending of \$300.00 on banners. Barbara Eagle said thank you.

**RESOLUTION #101-17**

**FOR THE APPOINTMENT OF A MEMBER TO THE BOARD OF ASSESSMENT REVIEW**

On motion of Councilwoman Witherell, seconded by Councilman Varney to accept resolution entitled "Resolution for the Appointment of a Member to the Board of Assessment Review."

ADOPTED        AYES 4 Stark, Varney, Witherell, Moore  
                      NAY 1 Fletcher

**RESOLVED**, that the Town Board of the Town of Fort Ann appoints Duane Vaughn, 5074 Dawson Way, Fort Ann to the Board of Assessment Review for a term beginning December 11, 2017 to September 30, 2022.

**RESOLUTION #102-17**

**RESOLUTION TO MODIFY THE 2017 BUDGET BY TRANSFERRING FUNDS BETWEEN APPROPRIATIONS DUE TO THE NEED TO PROVIDE THE TOWN JUSTICE CLERK'S OFFICE WITH COVERAGE DURING THE PERIOD 8/29/17 THROUGH 9/20/17 DUE TO THE UNANTICIPATED ABSENCE OF THE JUSTICE COURT CLERK**

On motion of Councilman Varney, seconded by Supervisor Moore to accept resolution entitled "Resolution to modify the 2017 budget by transferring funds between appropriations due to the need to provide the Town Justice Clerk's Office with coverage during the period 8/29/17 through 9/20/17 due to the unanticipated absence of the Justice Court Clerk."

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

**RESOLVED**, that the 2017 budget shall be amended by transferring funds from A1110.4 to A1110.1 in the amount of \$451.38.

**RESOLUTION #103-17**

**RESOLUTION TO MODIFY THE 2017 BUDGET BY TRANSFERRING FUNDS BETWEEN APPROPRIATIONS DUE TO THE NEED TO PROVIDE THE TOWN CLERK'S OFFICE WITH COVERAGE ON 2/3/17, 2/10/17, 2/24/17 AND 8/11/17 WHEN IT WAS NECESSARY FOR THE TOWN CLERK TO ATTEND SPECIAL TOWN BOARD MEETINGS WHICH TOOK PLACE AT THE FORT ANN FIREHOUSE**

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 the need to provide the Town Clerk's Office with coverage on 2/3/17, 2/10/17, 2/24/17 and 8/11/17 when it was necessary for the Town Clerk to attend Special Town Board meetings which took place at the Fort Ann Fire house."

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

**RESOLVED**, that the 2017 budget shall be amended by transferring funds from A1990.4 to A1410.1 for \$123.63.

**RESOLUTION #104-17**

**APPOINTING PART-TIME COURT ATTENDANT**

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

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

**RESOLVED**, that the Town Board of the Town of Fort Ann hereby affirms the appointment of Richard Scouten as part-time Court Attendant as of January 1, 2018 at an hourly rate of \$12.50 for 12-15 hours per month.

**RESOLUTION #105-17**

**TO AUTHORIZE THE HIGHWAY SUPERINTENDENT TO ACCEPT BIDS ON A 2018 OR NEWER EXTENDED CAB PICKUP**

On motion of Councilwoman Witherell, seconded by Councilman Fletcher to accept resolution entitled "Resolution to Authorize the Highway Superintendent to Accept bids on a 2018 or newer extended cab pickup."

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

**RESOLVED**, that the Fort Ann Town Board authorizes the Town of Fort Ann Highway Superintendent to go out to bid on a 2018 or newer extended cab pickup.

**RESOLUTION #106-17**

**INTRODUCING A PROPOSED LOCAL LAW TO OPT-OUT OF SECTION 487 OF THE NYS REAL PROPERTY TAX LAW CONCERNING TAX EXEMPTIONS FOR CERTAIN ENERGY SYSTEMS IN THE TOWN OF FORT ANN**

On motion of Councilman Fletcher, seconded by Councilwoman Stark to accept resolution entitled "Resolution Introducing a Proposed Local Law to Opt-Out of Section 487 of the NYS Real Property Tax Law Concerning Tax Exemptions for Certain Energy Systems in the Town of Fort Ann."

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

**RESOLVED**, the proposed local law to opt out of section 487 of the NYS Real Property Tax Law concerning tax exemption for certain energy systems in the Town of Fort Ann is hereby introduced. A public hearing shall be noticed and held by the Town Board on January 8, 2018 at 6:05 p.m. to consider the proposed local law.

**RESOLUTION #107-17**

**SETTING 2018 ORGANIZATIONAL MEETING**

On motion of Councilwoman Witherell, seconded by Councilwoman Stark to accept resolution entitled "Resolution Setting 2018 Organizational Meeting."

ADOPTED AYES 4 Stark, Varney, Witherell, Moore  
ABSTAIN 1 Fletcher

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

**RESOLUTION #108-17**

**APPROVING NYS PAID FAMILY LEAVE FOR HIGHWAY SUPERINTENDENT AND HIGHWAY WORKERS**

On motion of Councilman Fletcher, seconded by Councilman Varney to accept resolution entitled

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

**RESOLVED**, the Town Board of the Town of Fort Ann hereby approves NYS Paid Family Leave for the Highway Superintendent and the employees of the Town of Fort Ann Highway Department.

**RESOLVED**, that the Town Supervisor, Town Bookkeeper and the Town Clerk are authorized and directed to execute any documents necessary to comply with the intent of this Resolution.

**RESOLUTION #110-17**

**ORDINANCE PROVIDING REGULATIONS OF SMALL FARM OPERATIONS IN THE TOWN OF FORT ANN**

On motion of Councilwoman Witherell, seconded by Supervisor Moore to accept resolution entitled "Resolution to Adopt an Ordinance Providing for the Regulation of Small Farm Operations in the Town of Fort Ann."

FAILED NAYES 4 Fletcher, Stark, Varney, Moore  
AYES 1 Witherell

7:57 p.m. Motion was introduced by Councilman Varney, seconded by Councilman Fletcher to go into executive session for proposed, pending or current litigation as well as 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 carried.

8:33 p.m. Motion was introduced by Councilman Fletcher, seconded by Councilman Varney to return to public meeting.

Motion was carried.

Michelle Vara requested her complaint be verbatim in the minutes. "The Town and Village of Fort Ann have a long and sorted history settling this country in the pursuit of escape from Tear-ranee(tyranny) and rule. The Town and Village were named for the famous Battle of Fort Ann, fought in 1777 which lies on what was known as the "War Path of the Nation." It seems nearly amazing in this day and age, We the People could be fighting to protect our civil, human and constitutional rights, from the Fort Ann Town Board, as they discriminate and act outside the law, with personal agendas, biases blaring, poor management of town assessors, miss use and inconsistencies of the FOIL system, and Privacy issues. This complaint stands to show that there is a pattern to the actions by this Town Board. All of the claims have been sent to all of you and outlined in great detail with supporting evidence. I myself have been bullied and bold faced lied to by the town assessors Mr. Bonanno, Mr. McGuire, and Supervisor Moore. Mr. McGuire and Mr. Bonanno work outside the law, and are derelict of their duties. Their actions – and



lack thereof, is condoned by Supervisor Moore, with poor excuses and not evidence of truth. With a public position in office, comes an obligation of moral duty and code of ethics – Both have been utterly; obliterated by these men. These claims show extreme warrant for the dismissal of their servides- and yet there is a request for Mr. McGuire to become an Town employee so that he can become part to the NYS Retirement system, and approve the budget for Mr. Bonanno’s 2018-19 MAS agreement contract. Law and Opinions of Council show many ways to how the Town of Fort Ann can dismiss McGuire and Bonanno, - as the Towns Lawyer must already know. Seems we the people are under Tear-ranee- (tyranny) Rule Once Again. I am appalled by the gentrification actions that have taken place over the last two years, and feel as though We the people must take a stand as if on the “War Path of The Nation: protecting constitutional, human and civil rights for all people, animals, and property within Fort Ann.

In closing: I suggest you read, Farmers the American Way. Again: I formally request dismissal of Mr. Bonanno and Mr. McGuire. Remind you the board of your moral, legal duties. And suggest for the board betterment: To become educated on- management, fair and honest dealings, human rights and the Constitution.”

Supervisor Moore stated now that the Town Board has heard from Michelle are there any comments. Councilwoman Witherell stated that she feels that John and Mike do a great job. Councilwoman Stark, Councilman Fletcher and Councilman Varney all agreed.

**RESOLUTION #109-17**

**TO APPROVE MUNICIPAL ASSESSMENT SERVICES AGREEMENT FROM 1/1/18 THROUGH 9/30/19**

On motion of Councilman Fletcher, seconded by Councilman Varney to accept resolution entitled “Resolution to Approve Municipal Assessment Services Agreement from 1/1/18 through 9/30/19.”

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

**RESOLVED**, that the Town Supervisor, Town Bookkeeper and the Town Clerk are authorized and directed to execute any documents necessary to comply with the intent of this Resolution effective January 1, 2018.

8:46 p.m. Motion was introduced by Councilwoman Stark, seconded by Councilman Varney to adjourn.

Motion was carried.

Total Abstracts:	General:	\$ 24,327.76
	Highway:	\$ 12,708.21

Respectfully submitted,

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

Dated: December 20, 2017