

MINUTES OF THE REGULAR TOWN BOARD MEETING OF THE TOWN OF FORT ANN HELD ON MONDAY, December 11th, 2023 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
Mark Miller- Code Enforcer

OTHERS PRESENT: Miranda Herringshaw- Town Clerk, Jeff Meyers-Town Attorney, Katelyn Moskos, John Moskos, Shelbie Paulson, Penny Gould, Bill Bailey, Lyle Washburn, Barb Burch, Duane Burch Jr., Don Bedeaux, Brett Porter, Brett Porter Jr., Andy Szostek, Joan Degner, Lorraine Paulson, Steve Green.

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; John Betz Jr., Ann Albimo, John Locke, Mike Klein, Leonard Porter.

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

Motion was carried unanimously.

Motion was introduced by Councilman Smith, seconded by Councilwoman Stark to accept the Regular Town Board Minutes of November 13th, 2023.

Motion was carried unanimously.

Supervisor Hall read the October 2023 monthly financial statement.

Receipts for the month of October

Checking Account Balances

General Fund	\$ 20,092.94
Highway Fund	\$ 62,664.41
Youth Commission	\$ 6,077.06
Hadlock Dam Project	\$ 240.09
Hadlock Park District Fund	\$ 5,574.74
Consolidated Health District	\$ 370.48
Trust & Agency Fund	\$ 2,955.58
Medical Reimbursement Fund	\$ 5,472.47

Savings Accounts

NYCLASS-General Fund	\$ 956,969.99
NYCLASS-Highway Fund	\$ 142,416.00
NYCLASS-Hadlock Park District	\$ 88,472.19

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

Motion was carried unanimously.

6:02 p.m. Public Comment opened.

6:03 p.m. Public Comment closed without comment.

Supervisor’s Report:

Supervisor Hall stated that the Town was awarded \$100,000.00 grant to make necessary repairs on the Old Stone House Library. He also stated that he had been working on day-to day operations and answering a lot of questions on solar, which he has told all that have inquired the Town has a mortarium in place at this current time. He also stated that he had received some calls on the roads being shut down for lengthy amounts of time due to the power line that Kiewit is installing, Supervisor Hall contacted Highway Superintendent on this matter and Paul reached out to the safety manager of Kiewit and stated they were having a meeting and this issue would be addressed.

Councilwoman Witherell- no report

Councilman Sexton- no report

Councilman Smith stated that he had given Supervisor Hall the harvester report to review for the 2023 weed season.

Councilwoman Stark stated that the Hadlock Fishing Derby is scheduled to be held on January 20th, 2024 weather permitting. She also stated that Sue Allen from Fort Ann was named senior of the year through Washington County’s Office of the Aging. She also had a lot of informative information on what services are available for elders in the community, she placed information on Town bulletin board along with left a copy with the Town Clerk.

Town Clerk’s Report: Town Clerk stated that Planning Board Meetings would be held the first Tuesday of each month starting in January (previously was the last Monday of each month). Also, Town Board Meetings for the months of January, February, and March will be held at the Fort Ann Volunteer Firehouse located on Rt.149. Short Term Rental Applications are in the process of being drafted and as soon as they become available, they will be posted on the Town’s website as well as in the Town Clerk’s office to obtained during normal business hours.

Highway Superintendent Report: Not Present

Enforcement Officer Report: Not Present

Historian: Not present

Dog Control Officer: Not present, paper report was given.

4.0 Old Business:

5.0 New Business:

Town Clerk stated that from January to March of 2024, monthly Town Board Meetings will be held at the Fort Ann Volunteer Fire Company, due to the lack of parking, sidewalks and the Town Hall porch being very slippery, so for safety of all, Board Meetings will be held at Firehouse located on Rt.149.

**RESOLUTION #86-2023
RESOLUTION SETTING 2024 ORGANIZATION MEETING**

On the motion of Councilman Sexton, seconded by Councilman Smith to accept resolution entitled “Resolution setting 2024 organization meeting”

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

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

**RESOLUTION #87-2023
RESOLUTION TO MODIFY THE 2023 BUDGET BY APPROPRIATING ADDITIONAL CHIPS REVENUE
EXPENDED DURING THE 2023 FISCAL YEAR**

On the motion of Councilwoman Witherell, seconded by Councilman Sexton to accept resolution entitled “Resolution to modify the 2023 budget by appropriating additional chips revenue expended during the 2023 fiscal year”

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

RESOLVED, the 2023 budget shall be modified by appropriation of additional revenue as indicated above.

**RESOLUTION #88-2023
RESOLUTION TO MODIFY THE 2023 BUDGET BY TRANSFERRING FUNDS BETWEEN APPROPRIATIONS
DUE TO UNANTICIPATED EXPENDITURES DURING THE 2023 FISCAL YEAR**

On the motion of Councilwoman Stark, seconded by Councilwoman Witherell to accept resolution entitled “Resolution to modify the 2023 budget by transferring funds between appropriations due to unanticipated expenditures during the 2023 fiscal year”

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

RESOLVED, the 2023 budget shall be modified by transferring funds between appropriations as indicated above.

**RESOLUTION #89-2023
RESOLUTION TO MODIFY THE 2023 BUDGET BY TRANSFERRING FUNDS FROM THE CONTINGENCY FUND TO SPECIFIED ACCOUNTS DUE TO UNANTICIPATED EXPENDITURES IN THOSE ACCOUNTS DURING THE 2023 FISCAL YEAR**

On the motion of Councilman Smith, seconded by Councilwoman Stark to accept resolution entitled “Resolution to modify the 2023 budget by transferring funds from the contingency fund to specified accounts due to unanticipated expenditures in those accounts during the 2023 fiscal year”

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

RESOLVED, the 2023 budget shall be modified by transferring funds from the contingency fund to the accounts as indicated above.

**RESOLUTION #90-2023
RESOLUTION OF COMMITMENT TO PARTICIPATE IN TOWN-WIDE REASSESSMENT**

On the motion of Councilman Sexton, seconded by Councilman Smith to accept resolution entitled “Resolution of commitment to participate in town-wide reassessment”

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

RESOLVED, the Town Board of the Town of Fort Ann hereby agrees to commit to participate in a town-wide reassessment project.

**RESOLUTION #91-2023
RESOLUTION TO TERMINATE THE AGREEMENT WITH WASHINGTON COUNTY FOR ASSESSMENT SERVICES**

On the motion of Councilwoman Witherell, seconded by Councilman Sexton to accept resolution entitled “Resolution to terminate the agreement with Washington County for Assessment Services”

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

RESOLVED, the Town Board of the Town of Fort Ann hereby terminates the intermunicipal agreement with Washington County for assessment services effective December 31, 2023.

**RESOLUTION #92-2023
RESOLUTION TO HIRE AREK GORDON AS SOLE ASSESSOR FOR THE TOWN OF FORT ANN**

On the motion of Councilman Sexton, seconded by Councilman Smith on to accept resolution entitled “Resolution to hire Arek Gordon as sole assessor for the town of Fort Ann”

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

RESOLVED, the Town Board of the Town of Fort Ann hereby hires Arek Gordon as the Sole Assessor effective January 1, 2024 to serve until September 30, 2029, the expiration of his term; and be it further resolved, pursuant to the 2024 budget for the Town of Fort Ann, the annual salary for the Sole Assessor shall be Forty-Two Thousand Dollars (\$42,000.00)

RESOLUTION #93-2023

RESOLUTION TO MODIFY THE 2023 BUDGET BY APPROPRIATING UNRESERVED FUND BALANCE TO THE HADLOCK PARK DISTRICT AQUATIC HARVESTER RESERVE FUND

On the motion of Councilman Smith, seconded by Councilwoman Stark on to accept resolution entitled “Resolution to modify the 2023 budget by appropriating unreserved fund balance to the Hadlock Park District aquatic harvester reserve fund”

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

RESOLVED, the 2023 budget shall be modified by transferring funds between appropriations as indicated above.

RESOLUTION #94-2023

RESOLUTION AUTHORIZING TOWN OF FORT ANN TOWN SUPERVISOR TO ENTER IN TO AGREEMENT WITH BARKS AND REC FOR TOWN DOG CONTROL SHELTER SERVICES PURSUANT TO NEW YORK STATE AGRICULTURAL AND MARKETS LAW ARTICLE 7 FOR THE YEAR 2024

On the motion of Councilman Sexton, seconded by Councilwoman Stark on to accept resolution entitled “Resolution authorizing town of Fort Ann Town Supervisor to enter in to agreement with Barks and Rec for town dog control shelter services pursuant to New York State agricultural and markets law article 7 for the year 2024”

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

RESOLVED, the Town Board hereby finds that the Agreement between the Town and Barks and Rec that was prepared by the Town Attorney is acceptable; and be it further resolved, that the Town Board hereby authorizes and directs the Town Supervisor to sign and take all necessary steps to enter in to the agreement with Barks and Rec, upon final attorney approval.

RESOLUTION #95-2023

RESOLUTION FOR ACCEPTING REAL PROPERTY FOR THE EMPIRE STATE TRAIL

On the motion of Councilwoman Stark, seconded by Councilwoman Witherell on to accept resolution entitled “Resolution for accepting real property for the Empire State Trail”

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

RESOLVED, that the Town Board of the Town of Fort Ann hereby accepts the conveyance of the real property from the State of New York for that certain portion of the Empire State Trail located on South Quarry Lane, County of Washington; and be it further resolved, that the Town Supervisor is hereby authorized to sign any and all transfer documents required to effectuate the conveyance and record the same in the Washington County Clerk's Office.

RESOLUTION #96-2023

RESOLUTION ESTABLISHING THE FEES CHARGED PURSUANT TO LOCAL LAW 1 of 2023 A LOCAL LAW REGULATING SHORT-TERM RENTALS

On the motion of Councilwoman Stark, seconded by Councilman Smith on to accept resolution entitled "Resolution establishing the fees charged pursuant to local law 1 of 2023 a local law regulating short-term rentals"

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

RESOLVED, the Town Board, hereby finds that based on the administration costs associated with the regulation of short-term rentals, it is in the best interests of the Town to set the per property annual license fee for the 2024 calendar year at Three Hundred Fifty Dollars (\$350.00); and be it further resolved, the annual license fee of Three Hundred Fifty Dollars shall automatically renew each and every year thereafter unless superseded by a resolution of the Town Board.

6:25 p.m. Open Public Discussion

Many Hadlock Residents were in attendance of the meeting due to a Facebook post that was shared by Brett Porter Jr. stating that the Town was encroaching on the Hadlock Residents rights and property and that if they wanted to be heard they should be in attendance at the Fort Ann Town Board Meeting

The issue that was brought up at the meeting was in regards to a short term rental dock space, the Moskos recently purchased a new property on Hadlock and the dock that came with the property is located in close proximity to the dam, the Moskos and Supervisor Hall asked the Town Engineers (Haley & Aldrich) who have been inspecting the dam since the dam was rebuilt after the 2006 dam break, if the current dock was compromising the dam in anyway, the engineers said if the Moskos were to follow the exact foot print of the dock that is there now but just replaced it, they did not see any concerns as to why this would compromise the dam in any way. If the Moskos were to install a completely different dock set up then at that point they would need to contact the APA and DEC to get the correct permitting, which the Moskos completely understand.

The Moskos have not determined what their next move will be as far as the dock space but will take any and all necessary steps to ensure they have the correct permitting and will not be compromising the dam in any way.

There was some back and forth with the Residents of Hadlock, the Moskos, and the Town Board, most of which happened due to misinformation that was given out to Hadlock Residents. It was established

that the Town is not taking anyone's rights or property from them and if there are ever any questions to please call the Town Hall, Town Supervisor or any Town Board Members to get accurate information and to have any and all questions answered.

Joan Degner did ask Supervisor Hall why the gate had been taken down; Supervisor Hall stated that the gate will be replaced in the spring.

7:04 p.m. **Closed Public Discussion**

Motion was introduced by Councilman Sexton, seconded by Councilman Smith to adjourn.

Motion was carried unanimously.

Total Abstracts for October:	General:	\$ 12,256.02
	Highway:	\$ 85,301.92
	Hadlock:	\$ 367.50

Respectfully submitted,

Dated: December 14th, 2023

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