

MINUTES OF THE REGULAR TOWN BOARD MEETING OF THE TOWN OF FORT ANN HELD ON MONDAY, DECEMBER 13, 2021 AT 6:00 P.M. AT THE FORT ANN TOWN HALL

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

ABSENT: Paul Winchell, Highway Superintendent
Christine Milligan, Town Historian
Lisa Barbato, Dog Control Officer

OTHERS PRESENT: Barbara Winchell, Town Clerk, Helen Denno, Jeffrey Meyer, Attorney for the Town, Mark Miller, Lori Hagen, Joan Degener, Tim Stachnick, Kathy Stachnick, Jeff Pepper, Sally Rowland/DEC, Molly Trembley/DEC, Kevin Wood/Region 5 DEC Warrensburg, Barb Burch, Duane Burch, Katelyn Moskos, John Moskos, Paul Skarka, David Allen

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

Moment of silence was not necessary tonight.

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

Motion was carried unanimously.

Motion was introduced by Councilwoman Witherell, seconded by Councilwoman Stark to accept the Special Town Board Minutes of October 28, 2021 for the second budget workshop.

Motion was carried unanimously.

Motion was introduced by Councilman Sexton, seconded by Councilwoman Witherell to accept the Regular Town Board Meeting Minutes of November 8, 2021.

Motion was carried unanimously.

Supervisor Hall read the October 2021 monthly financial statements.

Checking Account Balances

General Fund	\$ 57,191.97
Highway Fund	\$ 32,740.60
Youth Commission	\$ 4,195.04
Hadlock Dam Project	\$ 240.09
Hadlock Park District Fund	\$ 20,719.44
Consolidated Health District	\$ 370.48
Trust & Agency Fund	\$ 1,830.40
Medical Reimbursement Fund	\$ 3,300.42

Savings Accounts

NYCLASS-General Fund	\$498,352.37
NYCLASS-Highway Fund	\$377,581.83
NYCLASS-Hadlock Park District	\$ 95,750.23
LOSAP	\$ 5.78

Motion was introduced by Councilman Smith, seconded by Councilwoman Stark 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.

Kevin Wood/Sally Rowland/Molly Trembley were all present from DEC regarding Biosolids. Supervisor Hall spoke with Richard Burch about attending tonight’s meeting and Richard was hoping he and his wife, Lucy, would be able to attend but have not arrived yet so Supervisor Hall stated the Town Board has questions so the meeting will go on. Supervisor Hall introduced Sally Rowland from NYS DEC and asked her to speak about how Biosolids are viewed now compared to going back to when the Town of Fort Ann passed a Local Law in 1991. Sally stated biosolids are regulated as solid waste in NYS. There are different levels of treatment for biosolids which dictates how the permitting is done. If they achieve Class A (reducing pathogens that causes disease lower than detectable levels) considered a product that meets all the standards then it is not regulated and just considered a fertilizer like other fertilizers you’d buy. If facility producing it is in New York like Washington County which has its own compost facility DEC permits the compost facility. If coming out of state like Massachusetts for instance the facility has to get approval from DEC to come into NYS and show they met all the requirements at the facility in order to bring in as fertilizer. Have to be reported annually to DEC what they brought in. There can be restrictions with some flexibility. Class B which is they permit by field and testing for metals. What DEC has seen over decades that they have gotten very good on the pretreatment. Don’t see industrial. A lot cleaner than 20 or 30 years ago. Supervisor Hall said he heard there’s testing on smell and that is how this whole thing got started was because of smell.

Report from Town Officials and Committees:

Supervisor’s Report: Supervisor Hall mentioned there is an issue with the Town Hall’s slate roof and he has made some phone calls and is having an issue with getting return phone calls.

Supervisor Hall stated he is working on finding a new dog shelter for 1/1/2022 since receiving notification from Countryside that they will no longer be the shelter for the Town of Fort Ann 1/1/2022. Councilwoman Witherell asked if we have checked with Granville Small Animal for sheltering services.

Councilman Sexton stated the latest mandate from the Governor’s Office was to wear a mask and/or ID everyone for a vaccination card.

Councilman Smith reported that the Harvester was pressure tested and ready for sandblasting and painting early Spring.

Councilwoman Stark stated because of COVID there won't be a fishing derby this year. She said the committee still meets monthly on the bike trail. She also mentioned that there had been some concern about the water level at Hadlock and wanted to remind people that Lake Nebo drains into Hadlock.

Councilwoman Stark stated that the Office for the Aging has suspended all public events due to COVID. If anyone knows of abuse taking place to please contact OFA. They are working on a grant for grandparent 16 and above who do not have Medicaid to assist with getting groceries and go to doctor. This will apply for 10 people a month and each month starts over and it is on a first come first serve basis.

Town Clerk's Report was given for November 2020. Mentioned that there is a MEO vacancy in the Highway Dept.

Highway Superintendent Report: Not present

Enforcement Officer Report not present but a paper copy of his November 2020 report was distributed.

Historian: Not present

Old Business:

5.1 A Local Law Regulating Short-Term Rentals in the Town of Fort Ann

5.2 A Local Law Amending the Town of Fort Ann Site Plan

Supervisor Hall asked Katelyn Moskos if she has heard of any legislation on Short-Term Rentals? Katelyn said she has not but will share with Supervisor Hall if she sees/hears anything.

The Budget Officer mentioned the findings from the fire company audit and it is recommended to meet annually and keep minutes. A date needs to be set for the annual internal audit for January 2022. It has to be done by January 20th.

The Budget Officer stated there was a resolution (67-2021) back in November to send out RFP for Qualified Independent Certified Public Accountants or Independent Public Accountants to Assist with the preparation of the AUD. The Association of Towns sent a long list of firms that might be interested

RESOLUTION #69-2021

SETTING 2022 ORGANIZATION MEETING

On motion of Councilman Sexton, seconded by Councilman Smith to accept resolution entitled "Resolution Setting 2022 Organization Meeting."

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

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

RESOLUTION #70-2021

FOR REVIEW OF LOSAP AUDIT AND NEW PLAN DOCUMENTS

On the motion of Councilman Sexton, seconded by Councilwoman Witherell to accept resolution entitled "Resolution for Review of LOSAP Audit and New Plan Documents."

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

RESOLVED, the Town Board of the Town of Fort Ann and with their authorization, does hereby, adopt the (Amended and Restated Effective 1/1/2020) Service Award Program Plan Document for the West Fort Ann Volunteer Fire Company, Inc. This plan shall retroactively replace any and all documents previously adopted by the Town Board of the Town of Fort Ann which could be considered to be written plan documents and it shall be the Plan Document as of January 1, 2020.

**RESOLUTION #71-2021
FOR REVIEW OF LOSAP AUDIT AND NEW PLAN DOCUMENTS**

On the motion of Councilwoman Stark, seconded by Councilman Sexton to accept resolution entitled "Resolution for Review of LOSAP Audit and New Plan Documents."

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

RESOLVED, the Town Board of the Town of Fort Ann and with their authorization, does hereby, adopt the (Amended and Restated Effective 1/1/2020) Service Award Program Plan Document for The Pilot Knob Volunteer Firefighters Association, Inc. This plan shall retroactively replace any and all documents previously adopted by the Town Board of the Town of Fort Ann which could be considered to be written plan documents and it shall be the Plan Document as of January 1, 2020.

6:26 p.m. **Open Public Discussion**

6:30 p.m. **Closed Public Discussion**

6:59 p.m. Supervisor Hall stated executive session was necessary for proposed, pending or current litigation.

Motion was introduced by Councilman Sexton, seconded by Councilman Smith to enter into executive session.

Motion was carried unanimously.

7:12 p.m. Motion was introduced by Councilman Smith, seconded by Councilman Sexton to move out of executive session and return to public session.

Motion was carried unanimously.

**RESOLUTION #72-2021
APPROVING THE STIPULATION OF SETTLEMENT AND ORDER RELATIVE TO THE MATTER OF GERARD P. NUDI v. ASSESSOR OF THE TOWN OF FORT ANN, ET. AL. BEARING WASHINGTON COUNTY SUPREME COURT 904718-19 & 904863-20**

On the motion of Councilman Sexton, seconded by Councilman Smith to accept resolution entitled "Resolution Approving the Stipulation of Settlement and Order Relative to the matter of Gerard P. Nudi

v. Assessor of the Town of Fort Ann, ET. AL. Bearing Washington County Supreme Court 904718-19 & 904863-20.”

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

RESOLVED, that Meyer, Fuller & Stockwell, PLLC is authorized to execute any and all documents pertaining to the settlement of the Article 7 petitions reducing the assessment on property bearing tax identification number 73.17-1.16 for the tax years 2018, 2019, 2020, and 2021, in accordance with the RPTL Section 727 to establish the assessment rates for the ensuing years.

Supervisor Hall brought up the New York State having municipalities opt-out of the licensing of adult-use marijuana dispensaries and on-site consumption sites had to make decision by 12/31/2021.

Supervisor Hall asked for the town board members to vote Supervisor Hall, Councilman Smith, Councilman Sexton and Councilwoman Stark all wanted to opt in and Councilwoman Witherell voted to opt-out.

Supervisor Hall asked the Attorney for the Town of Fort Ann to draft something up on Local Law to protect citizens mirroring DEC regulations.

Councilman Sexton suggested that after the 1st of the year the town board start marking up the short-term rental DRAFT.

7:55 p.m. motion was introduced by Councilman Sexton, seconded by Councilman Smith to adjourn.

Motion was carried unanimously.

Total Abstracts:	General:	\$25,499.75
	Highway:	\$46,708.10
	Hadlock	\$ 4,500.00

Respectfully submitted,

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

Dated: December 21, 2021