

MINUTES OF THE REGULAR TOWN BOARD MEETING OF THE TOWN OF FORT ANN HELD ON MONDAY, APRIL 11, 2022 AT 6:00 P.M. AT THE FORT TOWN HALL

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

ABSENT: Christine Milligan, Historian
Mark Miller, p/t Enforcement Officer

OTHERS PRESENT: Barbara Winchell, Town Clerk, Paul Winchell, Highway Superintendent, Jeffrey Meyer, Attorney for the Town, Barb Burch, Duane Burch, Shelbie Paulsen, Penny Gould, Bill Bailey, Tim Stachnick, Lori Hagen, Jeff Pepper, Mary Davis, Steve Wade, Katelyn Moskos, John Moskos

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

Moment of silence was held for the following Fort Ann residents: Alyce Rathbun and Roy Rathbun.

On motion of 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 Regular Town Board Meeting Minutes from March 14, 2022.

Motion was carried unanimously.

Supervisor Hall read the February 2022 monthly financial statement.

Checking Account Balances

| | | |
|------------------------------|----|------------|
| General Fund | \$ | 51,529.92 |
| Highway Fund | \$ | 26,889.58 |
| Youth Commission | \$ | 5,195.04 |
| Hadlock Dam Project | | 240.09 |
| Hadlock Park District Fund | \$ | 12,635.06 |
| Consolidated Health District | \$ | 370.48 |
| Trust & Agency Fund | \$ | (9,381.80) |
| Medical Reimbursement Fund | \$ | 3,274.00 |

Savings Accounts

| | | |
|-------------------------------|----|--------------|
| NYCLASS-General Fund | \$ | 1,248,431.55 |
| NYCLASS-Highway Fund | \$ | 1,002,611.01 |
| NYCLASS-Hadlock Park District | \$ | 270,765.47 |
| LOSAP | \$ | .52 |

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

Motion was carried unanimously.

Supervisor and Town Board Members reviewed the LOSAP investment statement from Glens Falls National Bank for the first quarter ending 3/31/2022.

6:05 p.m. Public Hearing opened

The Town Clerk read the Notice of Public Hearing that appeared in The Post Star 4/6/2022. The Fort Ann Town Board shall conduct a Public Hearing at the Fort Ann Town Hall, 80 George Street, Fort Ann, New York on April 11, 2022 at 6:05 PM. The Public Hearing, as required by section 147(f) of the Internal Revenue Code, shall be for the purpose of considering the adoption of a Resolution approving a financing agreement between the Fort Ann Volunteer Fire Company, Inc. (the "Fire Company") and Rosenbauer South Dakota, LLC. in a maximum aggregate principal amount not to exceed \$392,278.00, the purpose of which loan is to finance in part the purchase of one (1) Rosenbauer Engine Tanker and to pay costs and expenses incidental to the financing. The Fire Company will be required to pay all taxes on the equipment. The payments due pursuant to the loan obligation will be secured by a security interest in the equipment. The purchase is related to the obligations of the Fire Company under its fire protection service agreement with the Town of Fort Ann. The equipment shall be owned and operated by the Fire Company and shall be located at the fire house State Route 149, Fort Ann, New York.

Supervisor asked if there was anyone in attendance that would like to be heard.

6:06 p.m. Motion was introduced by Councilman Sexton, seconded by Councilman Smith to close the public hearing without any comments.

6:06 p.m. Public Comment opened for items listed on tonight's agenda.

6:07 p.m. Public Comment closed without comment.

Supervisor's Report: Supervisor Hall stated the dog control officer resigned and there will be a resolution to hire a new dog control officer later in the evening with the town board approval to start tomorrow.

Supervisor Hall had received a list of properties believed to be in flood zone. There was a committee meeting at the Town Hall with DEC about flood zone plans. They will be getting back together to refine and establish some of the ones that are in the flood zone and some are not. The maps at Washington County are different than the maps that DEC has for the overlays.

Councilman Sexton said there was a Major Public Notice received from APA to residents on West Road and South Bay Road. The residents thought it might be a 24/7 operation. The Town Clerk confirmed that a copy of the notice from APA had been given to each Town Board Member as well as the Planning Board Members. Residents are worried about vehicle traffic. Councilman Sexton is of the understanding that this matter has not been brought before the Planning Board and just to the APA. He's in communication with the APA to get further information.

Supervisor Hall asked Paul Winchell, Highway Superintendent, if he knew anything about this. Mr. Winchell stated it is Troy Top Soil, Troy, New York that is crushing/screening and selling gravel out of the old Harris pit. Mr. Winchell hasn't seen them draw out of there yet.

Attorney for the Town said he needs a better sense of what is being proposed.

Councilman Smith said Hadlock is filling up quickly. He had a productive zoom meeting with LHA. They have a few projects in mind but further research is needed.

Councilwoman Stark would like to send a thank you note to Camp Chingachgook, 1872 Pilot Knob Road, Kattskill Bay, NY 12844 with allowing people that wanted to ice fish with parking.

Working with John Huggins of Glens Falls Hospital about fixing sidewalks in the Village of Fort Ann; bike racks and signage. Looking for trail stewards to make sure the trail is picked up and to report anything unsafe.

Lifeguard course being given April 19th – April 22nd at the Hudson Falls High School. April 18th is the day to register.

Town Clerk's Report was given for March 2022.

Highway Superintendent Report: The Highway Superintendent reported they have graded once; cutting brush and ditching on Mattison Road.

Enforcement Officer Report was given for March 2022 and read by Supervisor Hall.

Historian: not present but Supervisor Hall reported that all historian records have now been moved to a place where the historian and historical society can go through the records.

Old Business: nothing new to report on A Local Law Regulating Short-Term Rentals in the Town of Fort Ann or A Local Law Amending the Town of Fort Ann Site Plan Review.

New Business: Councilwoman Stark asked if it would be possible to survey the area behind the Old Stone House Library. Perhaps the town could get a grant. Want to make sure that area is within the Town and not encroaching on others property (enough room on each side). All Town Board members were in agreement.

RESOLUTION #52-2022

ACCEPTING LETTER OF RESIGNATION FROM PART-TIME DOG CONTROL OFFICER, LISA BARBATO

On motion of Councilman Sexton, seconded by Councilman Smith to accept resolution entitled "Resolution Accepting letter of resignation from Part-time Dog Control Officer, Lisa Barbato, for Town of Fort Ann."

ADOPTED AYES 5 Sexton, Smith Stark, Witherell, Hall

RESOLVED, the Town Board of the Town of Fort Ann hereby accepts the letter of resignation from Lisa Barbato, effective March 23, 2022.

RESOLUTION #53-2022

HIRING SHANNON CELESTE DOG CONTROL OFFICER FOR DOG CONTROL PURPOSES WITHIN THE TOWN OF FORT ANN

On motion of Councilman Smith, seconded by Councilwoman Stark to accept resolution entitled “Resolution to Hire Dog Control Officer for Dog Control Purposes within the Town of Fort Ann.”

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

RESOLVED, the Town Board of the Town of Fort Ann does hereby hire Shannon Celeste as Dog Control Officer for the Town of Fort Ann effective April 11, 2022. The annual salary will be prorated and she will be paid on a biweekly basis.

The Town Clerk added that Shannon has been the Dog Control Officer with the Town of Fort Edward and has an established relationship with Countryside. This should be a smooth transition as the Town of Ft. Edward and the Town of Ft. Ann use the same forms. Also, Todd Humiston will back up Shannon and Shannon will be Todd’s back up.

RESOLUTION #54-2022

AUTHORIZING THE HIGHWAY SUPERINTENDENT TO CONTRACT WITH WASHINGTON COUNTY FOR THE MOWING OF HIGHWAYS

On motion of Councilman Sexton, seconded by Councilman Smith to accept resolution entitled “Resolution Authorizing the Highway Superintendent to contract with Washington County for the mowing of Highways.”

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

RESOLVED, that the Town Board of the Town of Fort Ann hereby approves the agreement and authorizes Paul Winchell, Highway Superintendent, to sign said agreement and file a copy of the agreement in the Town Clerk’s Office.

RESOLUTION #55-2022

TO APPROVE TAX EXEMPT FINANCING FOR THE PURCHASE OF A ROSENBAUER ENGINE TANKER TO BE PURCHASED BY THE FORT ANN VOLUNTEER FIRE COMPANY, INC.

On motion of Councilwoman Witherell, seconded by Councilman Sexton to accept resolution entitled “Resolution to approve Tax Exempt Financing for the purchase of a Rosenbauer Engine Tanker to be purchased by the Fort Ann Volunteer Fire Company, Inc.”

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

RESOLVED, the Town Board of the Town of Fort Ann hereby approves of the Tax-Exempt Financing for the purchase of a Rosenbauer Engine Tanker being offered to the Town of Fort Ann Volunteer Fire Company, Inc. by Rosenbauer South Dakota, LLC in an amount up to \$392,278.00.

RESOLUTION #56-2022

APPOINTING DIRECTOR OF 2022 SUMMER RECREATION PROGRAM

On motion of Councilman Sexton, seconded by Councilman Smith to accept resolution entitled “Resolution appointing Director of 2022 Summer Recreation Program.

RESOLVED, that the Fort Ann Town Board hereby appoints Walter “OC” West, 10566 State Rte 149, Fort Ann, New York 12827 as the 2022 Director of Summer Recreation Program at an annual salary of \$3,500.00.

**RESOLUTION #57-2022
APPOINTING 2022 VOLUNTEER LIFEGUARD**

On motion of Councilwoman Witherell, seconded by Councilman Sexton to accept resolution appointing 2022 volunteer lifeguard.”

ADOPTED AYES 4 Sexton, Smith, Witherell, Hall
 ABSTAIN 1 Stark

RESOLVED, that the Fort Ann Town Board does hereby appoint Gretchen Stark, 364 Hadlock Pond Road, Fort Ann, New York 12827 to serve as a volunteer, without compensation of any sort, as a lifeguard for the summer of 2022.

Supervisor Hall thanked Councilwoman Stark for her years of volunteering at the Pilot Knob Beach.

**RESOLUTION #58-2022
AUTHORIZING SUPERVISOR TO EXECUTE CONTRACT WITH NYS DEC TO YORK RAKE SHELVING ROCK PARKING LOTS TRASH COLLECTION AND YORK RAKE DACY CLEARING ROAD**

On motion of Councilman Sexton, seconded by Councilwoman Stark to accept resolution entitled “Resolution Authorizing Supervisor to Execute Contract with NYS DEC to York Rake Shelving Rock Parking Lots, Trash Collection and York Rake Dacy Clearing Road.”

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

RESOLVED, the Town Supervisor is hereby authorized and directed to execute any and all agreements and related documents associated therewith with the NYS Department of Environmental Conservation, to York Rake Shelving Rock Parking Lots, trash collection and York rake Dacy Clearing Road.

**RESOLUTION #59-2022
AUTHORIZING TOWN OF FORT ANN TOWN SUPERVISOR TO ENTER INTO AGREEMENT WITH COUNTRYSIDE VETERINARIAN PRACTICE, P.C. FOR TOWN DOG CONTROL SHELTER SERVICES PURSUANT TO NEW YORK STATE AGRICULTURAL AND MARKETS LAW ARTICLE 7 FOR THE YEAR 2022**

On motion of Councilwoman Stark, seconded by Councilwoman Witherell to accept resolution entitled “Resolution Authorizing Town of Fort Ann Town Supervisor to Enter into Agreement with Countryside Veterinarian Practice, P.C. for Town Dog Control Shelter Services pursuant to New York State Agricultural and Markets Law Article 7 for the Year 2022.”

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

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

6:27 p.m. **Open Public Discussion** Doni Schuster, West Road, contacted Sara at the APA and was advised that they are asking for Monday – Friday 7 a.m. – 6 p.m. 100 trucks and Saturday 7 a.m. – 2 p.m. 60 trucks. He wonders why the Town of Fort Ann can't control this with a business permit.

Supervisor Hall and Councilman Sexton will check with the Planning Board.

6:29 p.m. **Closed Public Discussion**

6:30 p.m. motion was introduced by Councilman Sexton, seconded by Councilman Smith to go into a consultation with the Attorney for the Town. Supervisor Hall stated there will be no action being taken and they will return to public session. They need guidance and seek legal advice.

Motion was carried unanimously.

7:11 p.m. motion was introduced by Councilwoman Witherell, seconded by Councilwoman Stark to return to public session and to adjourn.

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| Total Abstracts: | General: | \$10,854.01 |
| | Highway: | \$69,377.91 |
| | Hadlock Park District: | \$58,036.00 |

Respectfully submitted,

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

Dated: April 22, 2022