

**MINUTES OF THE REGULAR TOWN BOARD MEETING OF THE TOWN OF FORT ANN HELD ON MONDAY, APRIL 12, 2021 AT 6:00 P.M. AT THE FORT ANN TOWN HALL**

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

**ABSENT:** Lisa Barbato, Dog Control Officer, Mark Miller, P/T Enforcement Officer, Christine Milligan, Town Historian

**OTHERS PRESENT:** Barbara Winchell, Town Clerk, Paul Winchell, Highway Superintendent, Jeff Meyer, Attorney for the Town

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 Connie Stoddard, Gary Brooking and Cherylin (Winchell) Kearns.

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 Minutes of March 8, 2021.

Motion was carried unanimously.

Supervisor Hall read the February 2021 monthly financial statement.

**Financials for the month of February**

**Checking Account Balances**

General Fund	\$ 413,032.76
Highway Fund	\$ 45,794.65
Youth Commission	\$ 10,454.15
Hadlock Dam Project	\$ 240.09
Hadlock Park District Fund	\$ 8,543.48
Consolidated Health District	\$ 370.48
Trust & Agency Fund	\$ 1,465.82
Medical Reimbursement Fund	\$ 5,239.23

**Savings Accounts**

NYCLASS – General Fund	\$ 468,229.15
NYCLASS – Highway Fund	\$1,112,388.09
NYCLASS - Hadlock Park District	\$ 255,708.40
LOSAP	\$ 22,900.88

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

Motion was carried unanimously.

**6:07 p.m. No Public Comment since there was no one from the public was present.**

**Supervisor's Report:** Supervisor Hall stated he received numerous phone calls with regards to the Hadlock situation primarily Northern Living facilities. Northern Living owns a total of seven (7) properties (Pillar Way, Sunset View Way, Hadlock Pond Road, Summer Way). The concerns ranged from assessments, sewage, dogs, parking, etc. Northern Living advertises that they have properties that can hold up to twenty-five (25) people. The paperwork originally filed with Washington County Code Enforcement indicated it had an occupancy of six (6) people was what the septic system was rated for. Washington County Code Enforcement wanted to meet with the owners but the owners were leaving town on vacation. Washington County Code Enforcement is supposed to be back in contact with the owners of Northern Living the week of April 19, 2021. They also advertise as pet friendly but it seems to be larger dogs and they should be following the leash law in place with the Town of Fort Ann.

Supervisor Hall asked the Attorney for the Town if he had any suggestions on the dog situation. Mr. Meyer stated dogs are tricky. He said the best case scenario for the Town of Fort Ann is everyone has a fence. If dog(s) get out on to neighbor's properties then pictures should be taken and provided to dog control officer for handling.

Councilwoman Stark asked if the town can require the dogs be licensed and proof of shots? The Attorney for the Town replied that the town can in the future make it a part of the short-term rental process and regulations that dogs have to be restrained and contained. Councilwoman Stark was also asked about bed tax. Supervisor Hall stated that they are waiting a decision for the Association and Legislature.

Supervisor Hall stated that the Fort Ann Youth League has met at the town hall a couple of times.

**Councilwoman Witherell:** Councilwoman Witherell stated she noticed at the corner of Clay Hill Road that a section of the dock had flipped over and she's concerned it's going to float away.

**Councilman Smith:** Councilman Smith stated that he also received the same phone calls as Supervisor Hall with the same concerns with short term rentals.

**Councilwoman Stark:** Councilwoman Stark said she received inquires about safety on the lake with regards to where are the boats coming from; are they washed and how are they getting on the lake?

Councilwoman Stark stated the bike trail is finished and people are really enjoying it.

Councilwoman Stark would like to see the Fort Ann Historical Society coordinate with NYS DOT about getting a sign at the top of Ann Street & Route 149 that points to the Canal Park and trail.

Councilwoman Stark received an email about noise on Hadlock and having a noise ordinance in Fort Ann.

Councilwoman Stark said there needs to be an ad run for the hiring of three (3) lifeguards.

**Town Clerk's Report** was given for March 2021. The Town Clerk advised that the Dog Control Officer, Lisa Barbato, was on vacation from April 9 – April 18<sup>th</sup>. The Town Hall voice mail has been changed to advise the public to contact Todd Humiston while Lisa is on vacation for dog control matters.

**Highway Superintendent Report:** Paul Winchell stated the Highway Department has been cutting brush on Clay Hill, Dewey's Bridge Rd., Copeland Pond Rd., Lake Nebo Road. All roads are graded except Fish Hill and Dublin because of rain. Fish Hill and Dublin are scheduled for tomorrow. Closed the valves at the dam last Monday, April 5, 2021. Pot holes have been filled.

Paul Winchell stated that they have been messing with it for about three (3) weeks. Highway Superintendent reported out that he had a mechanic come to look at the grade all and they ended up taking it to Grade All for repair. It will cost approximately \$2,000.00 to repair. The problem seems to be some sort of clusters of electrodes.

Paul Winchell stated that this is the time of year where he places a culvert order which is approximately \$5,000.00 for projects.

**Enforcement Officer Report:** Absent - paper copy of report was given to Town Board Member's for March 2021. Supervisor Hall received Uniform Code Administration and Enforcement Report from Washington County Code Enforcement for the 2020 reporting year and distributed to the TBM's to review.

**Dog Control Officer:** Absent

**Historian:** Christine Milligan not in attendance.

Supervisor Hall spoke of the stimulus program that came down from Senator Schumer's Office. It originally was \$660,000.00 at the town level but is more like \$440,000.00. Some of the difference will go to the Village of Fort Ann. Supervisor Hall is not sure yet what it can be used for. He's hoping for an infrastructure clarification within the next 45-60 days. In the mean time he'd like to have the Budget Officer set up a Capital Project account until he gets the actual guidance on how and what the money can be spent on. You don't want to spend money on anything not authorized.

Motion was made by Councilman Sexton, seconded by Councilwoman Witherell to authorize the Budget Officer to set up a Capital Projects account.

Motion was carried unanimously by roll call vote.

**RESOLUTION #38-2021**

**TO MODIFY THE 2020 BUDGET TO INCREASE APPROPRIATIONS TO BE TRANSFERRED TO THE OLD STONE HOUSE LIBRARY CAPITAL PROJECTS FUND**

On motion of Councilman Smith, seconded by Councilman Sexton to accept resolution entitled "Resolution to Modify the 2020 Budget to Increase Appropriations to be transferred to The Old Stone House Library Capital Projects Fund."

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

**RESOLVED**, it is necessary to appropriate funds from the fund balance in the amount of the revenue received from the Charles R. Wood Foundation Grant for the purpose of renovations to the Old Stone House Library.

**RESOLUTION #39-2021  
AUTHORIZING THE ANNUAL AGREEMENT BETWEEN THE BOARD OF EDUCATION OF THE FORT ANN CENTRAL SCHOOL DISTRICT AND THE TOWN OF FORT ANN**

On motion of Councilwoman Stark, seconded by Councilman Sexton to accept resolution entitled “Resolution Authorizing the Annual Agreement between the Board of Education of the Fort Ann Central School District and the Town of Fort Ann.”

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

**RESOLVED**, the Town Board hereby authorizes and directs the Town Supervisor to sign the annual agreement between the Town of Fort Ann and the Fort Ann Central School in accordance herewith, a copy of which shall be on file in the Town Clerk’s Office.

**RESOLUTION #40-2021  
APPOINTING DIRECTOR OF 2021 SUMMER RECREATION PROGRAM**

On motion of Councilwoman Stark, seconded by Councilwoman Witherell to accept resolution entitled “Resolution Appointing Director of 2021 Summer Recreation Program.”

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

**RESOLVED**, that the Fort Ann Town Board appoints Walter “OC” West, 10566 State Rte 149, Fort Ann, New York 12827 as the 2021 Director of Summer Recreation Program at an annual salary of \$3,500.00.

**RESOLUTION #41-2021  
APPOINTING 2021 VOLUNTEER LIFEGUARD**

On motion of Councilman Sexton, seconded by Councilman Smith to accept resolution entitled “Resolution Appointing 2021 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 2021.

Supervisor Hall thanked Councilwoman Stark for volunteering to do this every summer. He doesn’t know what the town will do if/when she decides she doesn’t want to do this any longer.

**RESOLUTION #42-2021  
AUTHORIZING THE HIGHWAY SUPERINTENDENT TO CONTRACT WITH WASHINGTON COUNTY FOR THE MOWING OF HIGHWAYS**

On motion of Councilman Sexton, seconded by Councilwoman Stark to accept resolution entitled

“Resolution authorizing the Highway Superintendent to contract with Washington County for the mowing of highways.”

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

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

**RESOLUTION #43-2021  
TO HIRE PILOT KNOB BEACH LIFEGUARDS**

On motion of Councilman Smith, seconded by Councilman Sexton to accept resolution entitled “Resolution to hire Pilot Knob Beach Lifeguards.”

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

**RESOLVED**, that the Town Board of the Town of Fort Ann authorizes and directs the Town Supervisor and/or Clerk to the Supervisor to complete any forms and take any action necessary to effectuate the terms of this resolution.

**RESOLUTION #44-2021  
AUTHORIZING THE REQUEST FOR PROPOSAL FROM QUALIFIED INDEPENDENT CERTIFIED PUBLIC ACCOUNTANTS OR INDEPENDENT PUBLIC ACCOUNTANTS TO AUDIT LOSAP**

On motion of Councilman Sexton, seconded by Councilman Smith to accept resolution entitled “Resolution Authorizing the Request for Proposal from Qualified Independent Certified Public Accountants or Independent Public Accountants to Audit LOSAP.”

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

**RESOLVED**, that the Town Clerk is hereby authorized and empowered to publish and post the Request for Proposal.

The Attorney for the Town and the TBM’s have a copy of the 2016 RFP. Supervisor Hall thought the first date should be June 14, 2021. Supervisor Hall asked the Attorney for the Town what he thought. The Attorney for the Town thought that date of June 14, 2021 is good and the goal is to get multiple responses. The sooner it gets out the better. The Attorney for the Town will fill in appropriate date and email the RFP to the Town Clerk in order to advertise. This was agreeable to the town board.

**RESOLUTION #45-2021  
AUTHORIZING A FEASIBILITY STUDY FOR AN INTERMUNICIPAL AGREEMENT WITH WASHINGTON COUNTY FOR THE COST SHARING, CONSTRUCTION, AND USE OF A SHARED HIGHWAY FACILITY**

On motion of Councilman Sexton, seconded by Councilman Smith to accept resolution entitled “Resolution Authorizing a Feasibility Study for an Intermunicipal Agreement with Washington County for the Cost Sharing, Construction, and Use of a Shared Highway Facility.”

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

**RESOLVED**, the Town Board hereby approves the amending the budget to appropriate \$15,000.00 from A1990.4 Contingency to A1440.4 Engineering in order to pay for the feasibility study.

Supervisor Hall received a letter dated April 1, 2021 from the Washington County Administrator to engage in a study regarding replacement of two (2) highway barn facilities in Fort Ann and Middle Falls. The Town of Easton has decided not to participate because of the distance between the two (2) buildings. Supervisor Hall stated that up to \$200,000.00 could come back from the state to build the new highway building. Supervisor Hall asked the Highway Superintendent to explain the need. The Highway Superintendent stated they have a half million dollars worth of equipment that sits outside all year long. They can't work on the equipment in the winter because all the bays are full. The last truck they bought the box size was smaller than they wanted to fit in the building. Supervisor Hall stated that he spoke with the Budget Officer and she stated there is money in the contingency fund. The intent is to build for the future. The Highway Superintendent liked the Town of Kingsbury building and felt that would be something to meet their needs.

Supervisor Hall asked the Attorney for the Town about the next steps and he responded it really depends on the property lines and a permissive referendum because of the dollar amount. The Town of Fort Ann gets the drawings so if Washington County doesn't go forward with this the town could/would be in a position to go forward to seek out its own financial.

The Highway Superintendent invited the TBM's to look at the town highway barn and see for themselves where the bottom of the building is crumbling the blocks have been there for so long. Supervisor Hall stated they have known for a long time that a new highway barn was necessary. Supervisor Hall stated that they've just been patching up the highway barn but you get to a point where you can't keep patching it.

Highway Superintendent asked permission to leave meeting since he wasn't needed for short-term rental topic.

**4.0 Old Business: A Local Law Regulating Short Term Rentals in the Town of Fort Ann** Supervisor Hall asked the Attorney for the Town to lead us through this process. Jeff Meyer first of all wanted it on the record that his in-law's own property in the Town of Fort Ann and use it as a short-term rental and they do have an agreement with Northern Living. Mr. Meyer stated there's no conflict since he doesn't receive any money from Northern Living or his in-laws. Mr. Meyer stated that he put together a DRAFT local law last year around this time. It was basically designed for disclosure and registration so the town is aware of what is going on and if problems who to contact to try to maintain order. Mr. Meyer stated that the local law is not designed to shut places down or to prohibit peoples use of property. Any property owner in the Town of Fort Ann can rent out their property are free to do so. Part of the limitations on regulating short-term rentals is based on the fact that the state and the county in general views short-term rentals as residential property use because you are renting out the whole house which is no different than you using your home. Mr. Meyer said site plan review could be applicable but the site plan review law would have to be amended as it relates to short-term rentals. The Planning Board would look at use as it relates to that existing property it would be a front end measure wouldn't give the town any regulatory on the back end like what's the parking, occupancy? Next would be based on actual use. Need to address the property owner with questions that arise like noise, dogs that the town board would have to be addressed by the town board. Mr. Meyer said from a constitutional standpoint it's easier to have it applied town wide. Mr. Meyer stated this is more of a registration process not a property rights question.

Supervisor Hall stated these places are being used as a business and not residential. Still could be town wide but only effect those that are running as a business.

Councilman Smith doesn't want to see Hadlock singled out.

Councilman Sexton wondered about license fees. Jeff Meyer respond it would have to be equitable and be able to explain.

**7:42 p.m. No Public Discussion since there was no one from the public present.**

7:43 p.m. Motion was introduced by Councilman Sexton, seconded by Councilman Smith to enter into executive session 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.

8:14 p.m. Motion was introduced by Councilwoman Witherell, seconded by Councilman Smith to return to public session.

Motion was carried unanimously.

Councilwoman Witherell moved to adjourn, seconded by Councilman Smith all members voting in favor to adjourn at 8:15 p.m., with no action having been taken in the executive session or in open session on matters before the Town Board.

Motion was carried unanimously.

Total Abstracts:	General:	\$12,269.50
	Highway:	\$19,598.70
	Hadlock Park District:	\$ 700.00

Respectfully submitted,

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

Dated: April 23, 2021