

MINUTES OF THE REGULAR TOWN BOARD MEETING OF THE TOWN OF FORT ANN HELD ON MONDAY, JULY 10, 2017 AT 6:00 P.M. AT THE FORT ANN TOWN HALL

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, Todd Humiston, Dog Control Officer, Joe Loszynski, Dale Grinnell, Floyd Ladd, George Smith, Chad Wilson, Patricia Carte, Lindsay Carte, Claire Greene, Arlene Green, Gene Connell, Bob Burch, Barb Burch, Tom Martinson, Hank Jordan, Barb Jordan, Mary Davis, Tom Martinson, Jeremy Treadway, Pete Zayachek, Ray Bennefield, Deb Foote, Joy Keithline

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 Richard Harsha, Earl J. Mattison, Nancy Shepard, Gerald 'Jerry' White, Mary Jane Godfrey, Francis T. Collins and Leona Twiss.

Motion was introduced by Councilwoman Witherell, seconded by Councilman Fletcher 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 June 12, 2017.

Motion was carried.

Motion was introduced by Councilwoman Stark, seconded by Councilwoman Witherell to accept the Special Town Board minutes of June 20, 2017.

Motion was carried.

Supervisor Moore read the June 2017 monthly financial statement.

Receipts for the month of June

General Fund	\$ 21,755.12
Highway	\$ 343,091.58

Disbursements

General Fund	\$ 80,004.84
Highway	\$ 306,140.50

Checkbook Balances

General Fund	\$ 47,573.48
Highway Fund	\$ 49,459.33

Youth Commission	\$ 1,843.91
Hadlock Dam Project	\$ 239.84
Hadlock Park District Fund	\$ 2,399.35
Consolidated Health District	\$ 899.18
Trust & Agency Fund	\$ 350.87
Medical Reimbursement Fund	\$ 100.38

Savings Accounts

General Fund	\$ 619,917.82
Hadlock Park District	\$ 194,255.14
Highway Fund	\$ 610,070.59
LOSAP	\$ 14,325.61

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

Motion was carried.

6:01 p.m. **Public Comment opened** for items on the agenda.

6:02 p.m. **Public Comment closed** with no comments.

Supervisor’s Report:

Supervisor Moore announced that the sale has been finalized for Battle Hill and the deed has been filed in Washington County. He is working on an invitation list for recognition date of August 11, 2017 at 1:00 p.m. at the Fort Ann Volunteer Fire House.

Supervisor Moore reminded everyone that there is a Fresh Fruit and Vegetable Pantry every Friday through November from 11:50 a.m. – 12:10 p.m. at the Fort Ann Volunteer Fire House.

Supervisor Moore announced that he received a letter from National Grid regarding a proposed increase in its electric and gas delivery rates. The public is invited to attend July 25, 2017 at 1:00 p.m. at the Schenectady Community College or at 6:00 p.m. at the Hilton Garden Inn, 235 Hoosick St., Troy. The Town Clerk has a list for anyone who would like a copy.

Town Clerk’s Report was given for June 2017.

Dog Control Report: Paper copy was given to Town Board Member’s. Todd reported that there have been 250 new dog licenses issued. He has two (2) pending dangerous dog cases. He reminded everyone that he is taking time off at the end of July and the beginning of August. Todd wanted to thank Floyd Ladd and Joe Terrio of the West Fort Ann Volunteer Fire Company in assisting him with removing a large dog from a resident’s home that was in serious need of veterinary care. The dog was unable to leave the home on its own and was in need of a back board to assist with removal and the West Fort Ann Volunteer Fire Company has a back board and came to the rescue which he is very grateful for.

Highway Superintendent Report: Highway Department has been busy cutting brush and trees on Clay Hill Road and Taylor Woods Road to prepare for blacktop. The Highway Department has been taking

care of a lot of small road washouts. Councilwoman Witherell mentioned that Clay Hill needed some attention where the "S" in the road is due to the heavy rain. The Highway Superintendent stated he expects to be up that way by noon tomorrow.

Councilwoman Witherell stated that she would like to put a committee together to encourage businesses to come to Fort Ann. Since the last Town Board meeting Duane Vaughn has offered to chair this committee.

Councilman Fletcher thanked the Highway for working the last couple of weekends especially on Sunday when we received the heavy rain. Councilman Fletcher received positive feedback on how quick the highway department responded to work on the dirt roads. He also wanted to thank those that put the work into the 240th Anniversary of Battle of Fort Anne parade July 8, 2017. He has received a couple of complaints on properties but he'll address that at a later date.

Councilwoman Stark also thanked the Historical Society for putting the 240th Anniversary event together. The Pilot Knob beach is open. She stated that the Kayak launch was here but floated up to Lock 11 with all the heavy rains that occurred. The Washington County Senior Citizen picnic is July 14, 2017 at the Washington County Fair Grounds. She suggested making up a plaque in honor of Mary Jane Godfrey's 36 years of service as Town Clerk to be displayed at Town Hall.

Enforcement Officer Report was given for the month of June 2017.

Historian Report: None

Lake Hadlock Project Manager, Joseph Loszynski, emailed a copy of his month progress reported dated July 9, 2017 to the Town Board Member's. A paper copy is on file in the Town Clerk's Office for anyone who would like a copy and can also be found on the town's website www.townoffortannny.com.

New Business: Supervisor Moore would like to schedule a special meeting for the Town Board to review Mobile Home Law – Local Law Number 1 of 1990. The Town Board members have been given a copy to review. Supervisor Moore suggested a couple of ways to go forward with this. The first option was to have the full board meet with someone from the Planning Board to see if any changes need to be made to this document or just have a couple of the Town Board Members meet with a couple of the Planning Board Members to see if any changes need to be made. The Town Board agreed with full board suggestion. Supervisor Moore will email possible dates to the Town Board.

Supervisor Moore received a letter from NYMIR regarding \$5,495.00 Operating Reserve. NYMIR is no longer the insurance carrier for the Town of Fort Ann so Supervisor Moore asked the Town Board what they wanted to do with the \$5,495.00. Councilwoman Witherell stated she doesn't see any reason to go back to NYMIR and doesn't see any reason not to have the \$5,495.00 returned to the town. Councilwoman Stark wants to leave the \$5,495.00 with NYMIR in case the Town of Fort Ann ever does return to NYMIR. Supervisor Moore suggested taking the \$5,495.00 and put into the General Fund.

On motion of Councilwoman Witherell, seconded by Councilman Fletcher to take the \$5,495.00 operating reserve back from NYMIR.

Motion was carried with Fletcher, Varney, Moore and Witherell. Councilwoman Stark wanted to retain the \$5,495.00 with NYMIR.

Supervisor Moore will send a letter to Brian Custer, President, NYMIR advising of tonight's decision to have NYMIR send the \$5,495.00 operating reserve to the Town of Fort Ann.

Supervisor Moore announced that he will be on vacation for nine (9) business days at the end of July beginning of August. Councilwoman Witherell will serve as Deputy Supervisor in his absence. There is \$2,000.00 in the 2017 budget for the Deputy Supervisor. He asked the Town Board about an amount that should be compensated to the Deputy Supervisor in his absence.

On motion of Councilman Fletcher, seconded by Councilwoman Stark to pay \$35.00/day with a cap of \$2,000.00 for compensation for Deputy Supervisor.

Motion was carried with Councilwoman Witherell abstaining.

Supervisor Moore asked the Highway Superintendent if he had received the request for a speed limit reduction from residents of Lake Nebo Road. The Highway Superintendent stated he did receive the request and it will be forwarded to Steve Haskins, Washington County Highway Superintendent, who will then forward to New York State Department of Transportation. The process can take anywhere from three (3) months to twelve (12) months. Resolution #82

RESOLUTION #80-17

ACCEPTING THE RESIGNATION OF TODD HUMISTON AS SECOND PART-TIME ENFORCEMENT OFFICER

On motion of Councilwoman Witherell, seconded by Councilwoman Stark to accept resolution entitled "Resolution Accepting the Resignation of Todd Humiston as Second Part-time Enforcement Officer."

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

RESOLVED, that the Town Board of the Town of Fort Ann accepts the resignation of Todd Humiston as part-time noise complaint Enforcement Officer and authorizes the Town Clerk to advertise the vacancy in The Post Star.

RESOLUTION #81-17

APPOINTING VOLUNTEER LIFEGUARD FOR SUMMER 2017

On motion of Councilwoman Witherell, seconded by Councilman Fletcher to accept resolution entitled "Resolution Appointing Volunteer Lifeguard for Summer 2017."

ADOPTED AYES 4 Fletcher, Varney, Witherell, Moore
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, in the Town as a lifeguard for the summer of 2017.

6:38 p.m. **Open Public Discussion** with Lindsay Carte, 10662 State Rte 149, Fort Ann stating this was a question for the Attorney for the Town - referring to a FOIL request in which he's asking what gives the Planning Board Chairman the authority to deny a Planning Board Member ability to vote. Mr. Carte stated he was given a response no such record. Supervisor Moore referred Mr. Carte back to the Planning Board. Mr. Carte then asked about the Town Board needing more sound studies. Supervisor

Moore stated the Town Board isn't requesting more sound studies until a noise enforcement officer is hired. Supervisor Moore then asked if this was in regards to Mr. Carte's 6/23/17 email that reads: This letter is to confirm for the record that at the Special Town Board meeting held on the 20th of June, 2017 for the purpose of reviewing the noise complaint worksheets compiled by Todd Humiston, that the Town Board reached THE FOLLOWING CONCLUSION. That NONE of the 20 noise complaint worksheets, each consisting of approximately 20 readings, showed that the motocross track was in violation of condition h. of the resolution dated September 13, 2016. Then Supervisor Moore asked was it the one not dated but received 6/28/17 that states "I read with interest the article in the Post Star yesterday, 6/26/17, titled "Town wants more tests." Mr. Moore is quoted as saying "The readings have come in above and below the 6 decibels." Mr. Carte's email continues with "No one cares about the readings that are below the 6 db increase. NO MORE SOUND TESTS ARE NEEDED. THE RESULTS WILL BE THE SAME. THERE WILL BE READINGS ABOVE 6 dbs." Supervisor Moore stated he didn't say that. Mr. Carte stated that after the last board meeting and the town board came out of executive session the board decided to get more readings. Mr. Carte asked what is the reason for more readings if you have readings over 6dbs. Supervisor Moore said he's confused and repeated the wording from Mr. Carte's email - no one cares about the readings that are below the 6db increase. NO MORE SOUND TESTS ARE NEEDED. THE RESULTS WILL BE THE SAME. THERE WILL BE READINGS ABOVE 6dbs. Supervisor Moore and Lindsay Carte agreed there were readings above 6db. Supervisor Moore said the Town Board wants to see if there's going to be a change in the readings and plan on continuing to do readings as needed. Supervisor Moore went back to Mr. Carte's 6/23/17 email where it reads "YOU REACHED THIS CONCLUSION despite the fact that the noise worksheets CLEARLY SHOWED many INSTANCES where the decibel readings taken while the motocross bikes were running on the track were clearly more than 6 decibels higher than the decibel reading taken while there were no motocross bikes running on the track. Supervisor Moore went back to Mr. Carte's email dated 6/26/17 about Chad Wilson who should be removed from the planning board because of his unprofessional conduct at the 6/12/17 town board meeting this is in conjunction with the fact he admits he doesn't reside in Fort Ann. Supervisor Moore said he did not witness the conduct. Supervisor Moore stated that the Town Board knows for a fact that Mr. Wilson doesn't live in Fort Ann and doesn't have to live at that address. He stated he spoke about this in great detail at a previous board meeting several months ago.

Deb Foote, 35 Tupper Lane Way, Fort Ann said Mr. Wilson does have to live in Fort Ann according to NYS Law which trumps Municipal regulations. Supervisor Moore asked her if she could provide what specific documents that she is referring to and the name of the lawyer she spoke to at NYS Dept. of Taxation and Finance.

Deb Foote, 35 Tupper Lane Way, Fort Ann asked Supervisor Moore to read her letter dated 7/6/17. "On advice from the attorney general's office, we spoke with someone at the NYS Dept. of Taxation and Finance. They informed us that to receive the STAR Exemption, one must ACTUALLY LIVE at the property. Not own, not visit overnight sometimes, not work on, but reside. She said that there are NO exceptions, and that mailing addresses prove nothing. And most important for you and the town lawyer, it is the town's responsibility to investigate violations. You publically stated that Chad Wilson does not live in Fort Ann, and you have the documents that he signed certifying that he does. Filing a false instrument is a crime, yet you continue to allow him to be on the planning board. (The lawyer at the attorney general's office said that I should call the county DA about this.) At the last town planning board meeting, Chad publically stated that he admitted to us he doesn't live in Fort Ann and that he was cheering at speeches people made against Treadway having to follow the rules. Chairman Bedeaux did not let the new appointee vote, but let Chad vote. This egregious miscarriage of justice needs to stop."

Supervisor Moore spoke of a FOIL dated 6/26/17 regarding the BERM. Supervisor Moore seems to recall that at the last planning board public hearing for motocross there were comments made not to have the trees planted. He called a couple of the planning board member's (Chairman & Vice Chairman) and was told no to the trees. Mr. Carte said he doesn't recall that and has it on tape.

Supervisor Moore said he recalls Mr. Carte stating at the Town Hall on one of his visits that you put me on notice where you are headed to file an Article 78 against the Town Board. Supervisor Moore said it makes it difficult to answer questions if he plans on suing the Town. Mr. Carte said he remembers saying it may be his only recourse since most of the information he gets is from the paper or TV and if the Town Board doesn't do it's job by enforcing the conditions.

Tom Martinson, 597 West Rd., Fort Ann apologized he has missed some meetings. He understands some of the studies were below and some above the 6 db. He asked why hasn't the track been closed down.

Deb Foote presented Supervisor Moore with a petition signed by fifteen (15) residents looking for a noise ordinance.

Ray Bennefield, Fort Ann asked why are we harassing Mr. Treadway why don't we raise to 9 decibels instead of 6.

Mary Davis, 1242 Pilot Knob Rd., Kattskill Bay suggested contacting the Association of Towns to see how other towns pay their Deputy Supervisor's. Suggested going back to limit 5 minutes for anyone to speak during public comment.

Arlene Green, 12 Mountainview Dr., Fort Ann thanked Supervisor Moore and Christine Milligan for securing the grant to purchase Battle Hill

Pete Zayachek, 67 Lake Nebo Rd., Fort Ann thanked the Town Board for looking at reducing the speed limit on Lake Nebo Road.

James Roll, 14 Charles St., Fort Ann having an issue with the road in front of his house. His house is located where County Rte 16 meets with Charles Street. Supervisor Moore suggested he contact Steve Haskins, Washington County Superintendent of Highways.

Joy Keithline, Fort Ann stated it appears to her that the Town Board is more interested in the businesses in Fort Ann than the residents.

7:15 p.m. close of Public Discussion

7:16 p.m. Motion was introduced by Councilwoman Witherell, seconded by Councilwoman Stark to adjourn.

Motion was carried.

Total Abstracts:	General:	\$ 18,237.55
	Highway:	\$255,342.58

Hadlock Park District: \$ 25,083.57

Respectfully submitted,

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

Dated: July 21, 2017