

**MINUTES OF THE REGULAR TOWN BOARD MEETING OF THE TOWN OF FORT ANN HELD ON MONDAY, JULY 19, 2022 AT 6:00 P.M. AT THE FORT ANN TOWN HALL**

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

**ABSENT:** Paul Winchell, Highway Superintendent  
Christine Milligan, Town Historian

**OTHERS PRESENT:** Miranda Herringshaw, Town Clerk, Jeffrey Meyer, Attorney for the Town, Mark Miller, Enforcement Officer, Chad Wilson, Katelyn Moskos, John Moskos, Shelbie Paulson, Vicki Pollock, Trent Pollock, Kristy Rosick, Kathy Stark, J. DeVecchi, Michael Rathbun, Mary Hopkins, Robert Hopkins, Chris Sipowicz, Tim Kontogouri, Penny Gould, Jean Jenner, Lyle Washburn, Rick Jenner, David DeLor, Jill Shepherd, Jenny Hartsman, Hon. D. Kane, Floyd Ladd, Jeremiah Bach.  
Meeting was called to order at 6:02 p.m. with the Pledge of Allegiance to the Flag.

Moment of silence was held for the following Fort Ann resident Lynn Steves, Ted Collette, Tom Neddo.

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

Motion was carried unanimously.

Motion was introduced by Councilwoman Witherall, seconded by Councilwoman Stark to accept the Regular Town Board Minutes of June 13, 2022.

Motion was carried unanimously.

Supervisor Hall read the May 2022 monthly financial statement.

**Receipts for the month of May**

**Checking Account Balances**

General Fund	\$ 31,794.00
Highway Fund	\$ 98,587.06
Youth Commission	\$ 6,910.04
Hadlock Dam Project	\$ 240.09
Hadlock Park District Fund	\$ 7,909.16
Consolidated Health District	\$ 370.48
Trust & Agency Fund	\$ 3,324.27
Medical Reimbursement Fund	\$ 4,272.30

**Savings Accounts**

NYCLASS-General Fund	\$ 964,216.36
NYCLASS-Highway Fund	\$ 853,237.29

NYCLASS-Hadlock Park District \$ 200,925.99

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

Motion was carried unanimously.

**6:03 p.m. Public Comment opened.**

**6:04 p.m. Public Comment closed without comment.**

**Supervisor's Report:**

Supervisor Hall stated he worked on many issues during the course of the month the main ones being the shared highway faculty with Washington County Highway, Champlain Power Express, and worked with Helen (budget officer) on getting reports submitted in a timely manner to the American Rescue Plan.

Councilwoman Witherall had no new news to report on this month.

Councilman Sexton stated he had many calls from town resident's residency mainly on Clay Hill Road in regards to the recent discussions on solar panel farms going in on Clay Hill Road. Councilman Sexton assured town residents that there is a process to this and that nothing has started as of this moment, nothing has even been brought to planning board regarding solar farms on Clay Hill Road. Also, the transparency of the Town Board meetings and member was discussed, that there is 100% transparency, everything that decided on or decisions made happen at Town Board Meetings, nothing happens outside of those meetings, if there is ever any doubt about transparency, he advised that anyone should come to any Town Board Member or the Town Supervisor.

Councilman Smith stated on the 3<sup>rd</sup> he attended the annual Hadlock Association meeting which was very informative, the harvester has been repaired and it was on the pond today, Wednesday and Thursday, to catch up. Also stated to please keep garbage picked up there have been bears in the area.

Councilwoman Stark stated the beach is open, she has hired two new lifeguards that are working out nicely, she also stated that she needs signs to post at the beach "No overnight Parking" and "Beach Parking Only". A senior picnic will be held at Washington County Fairgrounds on July 22<sup>nd</sup> for seniors 50 and above from 10-2 being organized by Office of the Aging.

**Town Clerk's Report** was given for June 2022.

**Highway Superintendent Report:** Not present, Supervisor Hall did state that Tripoli Road was closed today and will be again tomorrow (Wednesday) until 4:30pm due to culverts being replaced, residences were informed of this prior to the road being closed.

**Enforcement Officer Report** Paper report given to Town Board Member's for June 2022.

**Historian:** Not present, but did ask for the Town Board in conjunction with other facilities to start working on the 250<sup>th</sup> anniversary of the Battle of Battle Hill.

**Dog Control Officer:** not present, report was read by Supervisor Hall.

After dog control report was read, Councilman Sexton stated the new Town Clerk is doing great, and has nothing but positive things from the public in the short amount of time she has been in her new position.

Supervisor Hall stated that if there are ever any issues with any town employees to bring it to him or any of the Town Board Members. Also, that when a meeting does have to be moved it will be posted in the local post star, as well as on Town Hall door, and our Town website, and anytime anyone can call if they have questions or concerns about when a monthly meeting will be held.

Town Clerk apologized for meeting change, and that she will do her best to keep the community members informed of any changes that may occur for future dates.

**5.0 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 Review

**6.0 New Business**

**RESOLUTION #74-2022**

**RESOLUTION TO MODIFY THE 2022 BUDGET BY APPROPRIATING FUNDS RECEIVED FROM THE AMERICAN RESCUE PLAN ACT (APRA) THROUGH THE CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS (SLFRF) PAID OUT IN THE 2022 FISCAL YEAR**

On motion of Councilwoman Witherell, seconded by Councilman Sexton to accept resolution entitled “Resolution to modify the 2022 budget by appropriating funds received from the American Rescue Plan act (APRA) through the coronavirus state and local fiscal recovery funds (SLFRF) paid out in the 2022 fiscal year”

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

**RESOLVED**, the 2022 budget shall be modified as indicated above.

**RESOLUTION #75-2022**

**RESOLUTION TO MODIFY THE 2022 BUDGET BY TRANSFERRING FUNDS BETWEEN APPROPRIATIONS IN THE HIGHWAY FUND AND TRANSFERRING FUNDS FROM THE HIGHWAY FUND TO THE MT. HOPE CULVERT/BRIDGE CAPITAL PROJECT IN ORDER TO CLOSE OUT THE PROJECT**

On motion of Councilman Sexton, seconded by Councilman Smith to accept resolution entitled “Resolution to modify the 2022 budget by transferring funds between appropriations in the highway fund and transferring funds from the highway fund to the Mt. Hope culvert/bridge capital project in order to close out the project”

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

**RESOLVED**, the 2022 budget shall be modified and funds transferred as indicated above and the Capital Project shall be closed.

**6:36 p.m. Open Public Discussion**

Dave DeLor stated he lives in Farley Road, and is upset by the mobile homes that continue to get approved by the planning board and variances being approved by the Town Board, he stated that he feels that due to the increase in mobile homes around his property it is decreasing the value of his home, and he would like to know why the Town is allowing this to happen? The mobile home that he is referring to recently would be a 1972, and he stated that it is completely unlivable and he also stated that Mark Miller- Fort Ann code enforcement officer recommended the trailer not be permitted. Mr. DeLor also provided the Town Board with a petition from neighbors stating their displeasure with the trailer as well, in which Supervisor Hall did take a copy of. Kristy Rosick also was there to speak on the mobile home and show pictures of the trailer and the condition it is in. Jeff Meyers the town attorney gave Mr. DeLor the options in which the town has to deal with this issue, and stated that the owners of the trailer would either have to be in violation of a local law- that the Town would need to enforce or if they do not meet all proper building code requirements with the county the county could enforce the NY state building laws. Supervisor Hall stated the first step would be to look into any local laws the mobile home may be in violation of, Mr. DeLor stated he has no problem with a new mobile home being put there or a building a new home, he just does not agree with a 1972 trailer being permitted, and he believes that the trailer will be rented out and not lived in. Supervisor Hall said that these issues would be looked into and he would try to have more information on these issue for the next meeting.

Jenny Hartsman stated she lives on Copeland pond road and had complaints of her neighbors lighting off fireworks on July 4th weekend, she stated that the fireworks the Lashinsky's have are the big fireworks that cannot be purchased in New York State, and she believes that they were purchased outside of NY state and brought across state lines-which is a federal offense, she stated they are extremely loud, and shower sparks onto the roof of her home, also that she has horse who are scared by the noise and she has a seizure disorder and the noise affects her. Ms. Hartsman also stated that she has tried talking to her neighbors about this issue and they continue to let the fireworks off, she said this year she did call the state troopers and no one ever showed up, until the next day. The week prior to the firework show she did reach out to code enforcement to inquire if anyone had a permit for fireworks, in which she was told they did not, and if there were any issues with fireworks to call local law enforcement. Ms. Hartsman did show the Town Board Members video footage of the fireworks and the sparks falling onto her home, she would like to resolve with the neighbors, but stated she feels very intimidated by the Lashinsky's. Councilman Sexton asked Jeff Meyers what would be the procedure to put a local law in place and Jeff stated that he would do more research but as it stands currently it would be through local law enforcement that the issue would need to be dealt through.

Lyle Washburn stated he would like to have a discussion on short term rental laws, and asked if the town is proceeding forward with them, Supervisor Hall replied with "yes", he asked if the Town was aware of just how many short-term rentals there currently are in the Fort Ann area, and that he would like to talk about the increased traffic that they bring along with them. Mr. Washburn also stated he

would like to talk about the town assessors, he says he has a hard time getting in touch with anyone, and she is supposed to be at the Town Hall on Tuesdays from 10-4 and that never happens, he is aware there is a data collector at Town hall on Tuesdays, but that is not the assessor and he would like to speak to the assessor, Supervisor Hall stated he can call the Real Property Tax Department at the Washington County Office and speak to a qualified assessor at any time, Mr. Washburn was also made aware that a new assessor was hired and had started today (July 19th, 2022) and will be available on Tuesdays at Town Hall from 10-4 weekly. Mr. Washburn also expressed he believes that the new weed harvester for Hadlock Pond should be a town expense not a Hadlock Association expense, due to the Town owning the dam and the ground beneath the water that the weeds grow, if it was spread throughout the entire town that would make it more affordable. Supervisor Hall stated that the reason the town owns the dam was due to the loan that needed to be taken out in order to fix the dam when it failed, legally someone had to own it, the town had no desire to own a dam and that the lake is private so to legally be there someone who owns a home on the lake would have to invite whomever to be there, there is absolutely no public access to this pond, therefore this should not be a town wide expense.

Robert Hopkins residing on Clay Hill Road, stated he would like to address the issues with the solar farms, and the community is trying to get in front of these solar farms before the projects are approved, he attended a planning board meeting last month and the planning board advised him to come to the town board meeting, Supervisor Hall stated as for now there has been no applications filed for the solar farms trying to go in on Clay Hill Road area. A few of the town board members did meet with another group trying who are trying to put in a 1000+ acre solar farm on Dewey's Bridge Road earlier this week, who seemed to be more organized with paper work and their plans, there are many more steps that would need to be taken before they can even bring it to the planning board. Councilman Sexton stated there is a lot of due-diligence that needs to be put into this in deciding as if these farms are the right fit for our town or not and there is a lot of legality that also needs to be addressed with it. As a Town Board they need to do research on it, before anything is decided one way or another, Michael Rathbun also spoke on this matter and stated he just wants the town board to be aware that he nor any of the residents that he has spoken to want these solar farms in our town, and he wants that to be clear from the start, before any decisions are made. Councilman Sexton stated that if there is anything going on that shouldn't be to please contact Supervisor Hall or any of the Town Board members and they will look into anything that is taking place. Supervisor Hall stated that he has been in contact with attorney and will continue to stay on top of things as new information becomes available. David DeLor commented that someone needs to look into all of the hazards of solar farms bring including, the local fire companies are not equipped to handle those fires, if they do catch fire, they release many hazardous materials into the air and soil, and where do you dispose of the panels once they are no longer usable. Supervisor Hall stated that if we hear of anyone who is planning on bringing anything to the planning board, we will make sure that it is posted on the Town's website so that way the public is made aware and they can be sure to attend that planning board meeting, to voice concerns there as well.

Rick Jenner state questioned what was going on with the short term rental regulations, as he has concerns regarding his home on Pilot Knob that he no longer can enjoy as he has in past years due to the house next to his being used as a short term rental, he stated that it has basically become a hotel , and that it is two small houses being advertised for guest of 20 plus, he stated some guest are respectful, but most are not if he asks they turn down music etc, they are rude and tell him to go back home that they paid to be there and they will be enjoying their time, he understands that this is how people make money, and has no problem with that ,he just is asking for some common curtesy and if the rules are in place something can be done to enforce this for the residents who have homes in these areas. Supervisor Hall stated that he understands and that is what is taking so long to get these laws into effect

because the town is trying to be fair to the residents, private rentals and the business owners, the laws will have to be uniform for everyone, so they need to be fair to all.

Katelyn Moskos stated that other towns have a board for short term rentals, and asked if this is the direction that Fort Ann is looking to go as well, Supervisor Hall stated ultimately yes, Fort Ann would have a board of community members, that would be composed of all the different aspects of the short-term rentals in order to be fair to all parties involved to come to some common grounds. Supervisor Hall has been in contact with other towns to collect as much information as possible to be able to help decide what works and what doesn't for putting these laws in place.

Jeremiah Bach stated he lives on Needhamville Road and is concerned with the abandoned house across the street from his home, the house is completely unlivable and three weeks ago people showed up with heavy equipment, and dug a 3-foot ditch around the entire property right off the side of the road, where if someone were to drive or fall into the ditch they could be hurt. There has been several days when he gets home that he cannot get to his driveway due to heavy equipment and trucks being parked up and down the road. As of last weekend two large campers have been placed on the property and appears to have people living in them, they have dug up the well and dropped a pump down into the well to pump water to these trailers and it appears that the drain lines are run out into the tall grass, along with a full paving business operating out of this property, there are 4 or 5 vehicles every morning parked on the road with employees waiting to go to work for the day. One of the biggest concerns is the raw sewage running into the tall grass. Supervisor Hall stated that code enforcer Mark Miller has been to the property to look at what is going on and will be coordinating with Washington County Building and Codes, to get someone there to investigate what is going on.

Tim Kontogouri stated he would like to request a variance to put a camper on his property temporarily while he builds his home on Echo Bay Road in Pilot Knob, Jeff Meyers stated that he would need have to set a public hearing 30 days from today to have a final decision made. Tim did provide a map of his property and marked where the camper would go, along with a letter stating what he was looking to do, and provided detail on a water source and how he would be dealing with sewage.

Katelyn Moskos asked if anyone can have a camper on their property and allow anyone to stay in it, Supervisor Hall stated that technically no, it can be on the property but never should have anyone staying in it, the only way you legally could would be by bringing it to the board and getting a variance. Jeff Meyers stated that this has been an ongoing issue and they talk about it every few years and it gets pushed to the back burner but this will be the year that it really needs to be looked at and local laws put in place for this issue.

**7:15 p.m. Closed Public Discussion**

7:18 p.m. Motion was introduced by Councilman Sexton, seconded by Councilman Smith to adjourn.

Motion was carried unanimously.

Total Abstracts for July:	General:	\$ 12,688.40
	Highway:	\$119,871.73

Respectfully submitted,

---

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

Dated: July 27, 2022

DRAFT