

**AGENDA TOWN BOARD MEETING FORT ANN, NEW YORK  
December 11, 2023**

**Pledge of Allegiance**

**1.0 Open Regular Meeting 6:00PM:**

- 1.1 Approve Meeting Agenda
- 1.2 Accept Minutes Regular Town Board Meeting 11-13-2023
- 1.3 Financial Report – October 2023
- 1.4 Authorize Payment of Bills

**2.0 Public Comment – Agenda Item**

**3.0 Reports from Town Officials and Committees:**

- 3.1 Supervisor’s Report
- 3.2 Town Board Members
- 3.3 Town Clerk
- 3.4 Highway Superintendent
- 3.5 Enforcement Officer
- 3.6 Historian
- 3.7 Dog Control Officer

**4.0 Old Business**

**5.0 New Business**

**6.0 Resolutions**

- #86 Resolution setting 2024 organization meeting
- #87 Resolution to modify the 2023 budget by appropriating additional chips revenue expended during the 2023 fiscal year
- #88 Resolution to modify the 2023 budget by transferring funds between appropriations due to unanticipated expenditures during the 2023 fiscal year
- #89 Resolution to modify the 2023 budget by transferring funds from the contingency fund to specified accounts due to unanticipated expenditures in those accounts during the 2023 fiscal year
- #90 Resolution of commitment to participate in Town- Wide Reassessment
- #91 Resolution to terminate the agreement with Washington County for assessment services
- #92 Resolution to hire Arek Gordon as sole assessor for the Town of Fort Ann
- #93 Resolution to modify the 2023 budget by appropriating unreserved fund balance to the Hadlock park district aquatic harvester reserve fund
- #94 Resolution authorizing town of Fort Ann Town Supervisor to enter in to agreement with Barks and Rec for Town dog control shelter services pursuant to New York State agricultural and markets law article 7 for the year 2024.
- #95 Resolution for accepting real property for the Empire State Trail

#96 Resolution establishing the fees charged pursuant to local law 1 of 2023 a local law regulating short-term rentals

**7.0 Public Discussion**

**8.0 Adjourn Meeting:**

**TOWN BOARD OF THE TOWN OF FORT ANN  
COUNTY OF WASHINGTON, STATE OF NEW YORK**

**RESOLUTION NUMBER 86 OF 2023  
Adopted December 11, 2023**

Introduced by COUNCIL who moved its adoption  
Seconded by COUNCIL

**RESOLUTION SETTING 2024 ORGANIZATION MEETING**

**WHEREAS**, the Town Board of the Town of Fort Ann may schedule the organization meeting by resolution; and

**NOW, THEREFORE, BE IT RESOLVED**, the Town of Fort Ann shall hold the 2024 Organizational Meeting on Monday, January 8<sup>th</sup>, 2024 at 6:00 p.m. during the scheduled monthly Town Board Meeting, at the Fort Ann Volunteer Fire Co. Building, Rt. 149, Fort Ann, New York 12827; and be it further

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

Councilman Sexton-  
Councilman Smith-  
Councilwoman Stark-  
Councilwoman Witherell-  
Supervisor Hall-

**TOWN BOARD OF THE TOWN OF FORT ANN  
COUNTY OF WASHINGTON, STATE OF NEW YORK**

**RESOLUTION NUMBER 87 OF 2023  
Adopted December 11, 2023**

**Introduced by COUNCIL who moved its adoption  
Seconded by COUNCIL**

**RESOLUTION TO MODIFY THE 2023 BUDGET BY APPROPRIATING ADDITIONAL CHIPS REVENUE  
EXPENDED DURING THE 2023 FISCAL YEAR**

**WHEREAS**, it is necessary to appropriate additional CHIPS revenue as follows to cover expenditures,

**HIGHWAY FUND – O/V**

**FROM:**

DB510 Estimated Revenues

DB3501CHIPS Revenue = \$146,017.00

**TO:**

DB960 Appropriations

DB5112.2 Improvements - Capital Outlay \$146,017.00

**NOW, THEREFORE, BE IT RESOLVED**, the 2023 budget shall be modified by appropriation of additional revenue as indicated above.

By a roll call, there are \_\_\_\_\_ ayes and \_\_\_ abstention. This resolution is duly adopted.

Councilman Sexton-  
Councilman Smith-  
Councilwoman Stark-  
Councilwoman Witherell-  
Supervisor Hall-

\*SEAL\*

\_\_\_\_\_  
Miranda Herringshaw, Town Clerk

**TOWN BOARD OF THE TOWN OF FORT ANN  
COUNTY OF WASHINGTON, STATE OF NEW YORK**

**RESOLUTION NUMBER 88 OF 2023  
Adopted December 11, 2023**

Introduced by COUNCIL who moved its adoption  
Seconded by COUNCIL

**RESOLUTION TO MODIFY THE 2023 BUDGET BY TRANSFERRING FUNDS BETWEEN APPROPRIATIONS  
DUE TO UNANTICIPATED EXPENDITURES DURING THE 2023 FISCAL YEAR**

**WHEREAS**, it is necessary to transfer funds as follows to cover unanticipated expenditures in the 2023 budget,

**GENERAL FUND**

**FROM:**

A1620.4 Buildings - Contractual = \$ 4,500.00

**TO:**

A1620.1 Buildings – Personal Services \$ 4,500.00

**HIGHWAY FUND- O/V**

**FROM:**

DB9060.8 Employee Benefits – Hospital and Medical Ins. \$ 471.00

**TO:**

DB9089.8 Employee Benefits – State Retirement \$ 471.00

**NOW, THEREFORE, BE IT RESOLVED**, the 2023 budget shall be modified by transferring funds between appropriations as indicated above.

By a roll call, there are \_\_\_\_\_ ayes and \_\_\_\_\_ abstention. This resolution is duly adopted.

**\*SEAL\***

Councilman Sexton-  
Councilman Smith-  
Councilwoman Stark-  
Councilwoman Witherell-  
Supervisor Hall-

\_\_\_\_\_  
Miranda Herringshaw, Town Clerk

**TOWN BOARD OF THE TOWN OF FORT ANN  
COUNTY OF WASHINGTON, STATE OF NEW YORK**

RESOLUTION NUMBER 89 OF 2023  
Adopted December 11, 2023

Introduced by COUNCIL who moved its adoption  
Seconded by COUNCIL

**RESOLUTION TO MODIFY THE 2023 BUDGET BY TRANSFERRING FUNDS FROM THE CONTINGENCY FUND TO SPECIFIED ACCOUNTS DUE TO UNANTICIPATED EXPENDITURES IN THOSE ACCOUNTS DURING THE 2023 FISCAL YEAR**

**GENERAL FUND**

**FROM:**

A1990.4	Contingency Fund	<u>\$11,828.00</u>
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**TO:**

A1220.4	Supervisors Expense – Contractual	\$ 1,500.00
A1440.4	Engineer – Contractual	\$ 1,460.00
A1650.4	Central Communications – Contractual	\$ 2,000.00
A1910.4	Unallocated Insurance	\$ 275.00
A3520.4	Animal Control – Contractual	\$ 220.00
A5010.4	Highway Superintendent – Contractual	\$ 1,000.00
A9010.8	Employee Benefits – State Retirement	\$ 407.00
A9050.8	Employee Benefits – Unemployment Insurance	<u>\$ 4,966.00</u>
		<u>\$11,828.00</u>

Whereas: It is necessary to transfer funds from the contingency fund to cover shortages in the above specified accounts during the 2023 fiscal year.

**NOW, THEREFORE, BE IT RESOLVED,** the 2023 budget shall be modified by transferring funds from the contingency fund to the accounts as indicated above.

By a roll call, there are \_\_\_\_\_ ayes and \_\_\_\_\_ abstention. This resolution is duly adopted.

**\*SEAL\***

Councilman Sexton-  
Councilman Smith-  
Councilwoman Stark-  
Councilwoman Witherell-  
Supervisor Hall-

\_\_\_\_\_  
Miranda Herringshaw, Town Clerk

**TOWN BOARD OF THE TOWN OF FORT ANN  
COUNTY OF WASHINGTON, STATE OF NEW YORK**

**RESOLUTION NUMBER 90 OF 2023  
Adopted December 11, 2023**

Introduced by COUNCIL \_\_\_\_\_ who moved its adoption  
Seconded by COUNCIL

**RESOLUTION OF COMMITMENT TO PARTICIPATE IN TOWN-WIDE REASSESSMENT**

**WHEREAS**, the Town Board of the Town of Fort Ann is desirous of completing a town-wide reassessment to ensure that real property is assessed equitably and uniformly across the whole Town; and

**WHEREAS**, the current equalization rate for the Town of Fort Ann is at 75%, meaning New York State has determined that the Town's level of assessment is less than the market value of the property within the Town; and

**WHEREAS**, a town wide reassessment would be completed as a one-time reassessment of all real property tax parcels within the Town to achieve a uniform assessment value of one hundred percent; and

**WHEREAS**, the State of New York offers different financial incentives and grant opportunities to municipalities that are committed to participating in town-wide reassessment and maintaining an equalization rate of 100%.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Town Board of the Town of Fort Ann hereby agrees to commit to participate in a town-wide reassessment project; and be it further

**RESOLVED**, the Supervisor is hereby authorized to execute any and all applications and agreements with the State of New York for reimbursement or grants to defer the cost of said town-wide reassessments; and be it further

**RESOLVED**, this resolution shall take effect immediately.

Councilman Sexton-  
Councilman Smith-  
Councilwoman Stark-  
Councilwoman Witherell-  
Supervisor Hall-

**TOWN BOARD OF THE TOWN OF FORT ANN  
COUNTY OF WASHINGTON, STATE OF NEW YORK**

**RESOLUTION NUMBER 91 OF 2023  
Adopted December 11, 2023**

**Introduced by COUNCIL who moved its adoption  
Seconded by COUNCIL**

**RESOLUTION TO TERMINATE THE AGREEMENT WITH WASHINGTON COUNTY FOR ASSESSMENT  
SERVICES**

**WHEREAS**, The Town of Fort Ann and Washington County developed a shared services plan and entered into an intermunicipal agreement for Washington County to provide assessment services to the Town of Fort Ann pursuant to General Municipal Law section 1537; and

**WHEREAS**, pursuant to General Municipal Law section 1537 and the specific terms of the intermunicipal agreement, the parties may terminate said agreement; and

**WHEREAS**, the Town of Fort Ann is desirous of terminating the intermunicipal agreement for assessment services effective December 31, 2023.

**NOW, THEREFORE BE IT**

**RESOLVED**, the Town Board of the Town of Fort Ann hereby terminates the intermunicipal agreement with Washington County for assessment services effective December 31, 2023; and be it further

**RESOLVED**, the Town Clerk shall send a copy of this resolution to Washington County and request they send a copy of the resolution of the Washington County Board of Supervisors ratifying the termination effective December 31, 2023; and be it further

**RESOLVED**, this resolution shall take effect immediately.

Councilman Sexton-  
Councilman Smith-  
Councilwoman Stark-  
Councilwoman Witherell-  
Supervisor Hall

**TOWN BOARD OF THE TOWN OF FORT ANN  
COUNTY OF WASHINGTON, STATE OF NEW YORK**

**RESOLUTION NUMBER 92 OF 2023  
Adopted December 11, 2023**

Introduced by COUNCIL who moved its adoption  
Seconded by COUNCIL

**RESOLUTION TO HIRE AREK GORDON AS SOLE ASSESSOR  
FOR THE TOWN OF FORT ANN**

**WHEREAS**, The Town of Fort Ann and Washington County developed a shared services plan pursuant to General Municipal Law section 1537, whereby Washington County provided assessment services for the Town of Fort Ann; and

**WHEREAS**, the parties agreed to terminate the shared services agreement effective December 31, 2023, thereby creating a vacancy in the position of sole assessor for the Town of Fort Ann; and

**WHEREAS**, pursuant to Real Property Tax Law section 310, the Town of Fort Ann must appoint an assessor to serve the balance of the six-year term, which commenced on October 1, 2023; and

**WHEREAS**, by virtue of the shared services agreement Arek Gordon has been serving in the role of assessor for the Town of Fort Ann and is familiar with the Town and the properties located therein and is committed to retaining the existing office hours.

**NOW, THEREFORE BE IT**

**RESOLVED**, the Town Board of the Town of Fort Ann hereby hires Arek Gordon as the Sole Assessor effective January 1, 2024 to serve until September 30, 2029, the expiration of his term; and be it further

**RESOLVED**, pursuant to the 2024 budget for the Town of Fort Ann, the annual salary for the Sole Assessor shall be Forty-Two Thousand Dollars (\$42,000.00)

**RESOLVED**, this resolution shall take effect immediately.

Councilman Sexton-  
Councilman Smith-  
Councilwoman Stark-  
Councilwoman Witherell-  
Supervisor Hall-



**TOWN BOARD OF THE TOWN OF FORT ANN  
COUNTY OF WASHINGTON, STATE OF NEW YORK**

**RESOLUTION NUMBER 94 OF 2023  
Adopted December 11<sup>th</sup>, 2023**

Introduced by COUNCIL who moved its adoption  
Seconded by COUNCIL

**RESOLUTION AUTHORIZING TOWN OF FORT ANN TOWN SUPERVISOR TO ENTER IN TO AGREEMENT  
WITH BARKS AND REC FOR TOWN DOG CONTROL SHELTER SERVICES PURSUANT TO NEW YORK STATE  
AGRICULTURAL AND MARKETS LAW ARTICLE 7 FOR THE YEAR 2024**

**WHEREAS**, the Town of Fort Ann (hereinafter "Town") is required to have a shelter contract agreement in place pursuant to the New York State Agricultural and Markets Law Article 7; and

**WHEREAS**, the Town of Fort Ann has previously utilized the services of Countryside Veterinary Practice, P.C. (hereinafter "Countryside") for such shelter services for Town's dog control; and

**WHEREAS**, the Town Attorney has prepared an Agreement between the Town of Fort Ann and Countryside; and

**WHEREAS**, the Town desires to enter in to such agreement with Countryside as outlined in the terms of the agreement to provide such services to the Town that is required by the New York State Department of Agricultural and Markets Division of Animal Industry.

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board hereby finds that the Agreement between the Town and Countryside that was prepared by the Town Attorney is acceptable; and be it further

**RESOLVED**, that the Town Board hereby 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; and be it further

**RESOLVED**, that this resolution shall take effect immediately.

Councilman Sexton –  
Councilman Smith –  
Councilwoman Stark –  
Councilwoman Witherell –  
Supervisor Hall –

**TOWN BOARD OF THE TOWN OF FORT ANN  
COUNTY OF WASHINGTON, STATE OF NEW YORK**

**RESOLUTION NUMBER 95-OF 2023  
Adopted December 11, 2023**

Introduced by COUNCIL \_\_\_\_\_ who moved its adoption  
Seconded by COUNCIL \_\_\_\_\_

**RESOLUTION FOR ACCEPTING  
REAL PROPERTY FOR THE EMPIRE STATE TRAIL**

**WHEREAS**, In January 2017, Governor Cuomo announced the Empire State Trail, a new initiative designed to link communities across New York State and support economic development through recreation and tourism; and

**WHEREAS**, by resolution 111 of 2018, the Town of Fort Ann agreed to fully support the State of New York in this endeavor, including owning and maintaining the renovated portions of the Empire State Trail lying within the Town; and

**WHEREAS**, NYS Department of Transportation (NYSDOT) has completed construction of the Empire State Trail through the Town of Fort Ann; and

**WHEREAS**, the State of New York is desirous conveying that certain portion of the Empire State Trail located on South Quarry Lane, Town of Fort Ann, County of Washington.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Fort Ann hereby accepts the conveyance of the real property from the State of New York for that certain portion of the Empire State Trail located on South Quarry Lane, County of Washington; and be it further

**RESOLVED**, that the Town Supervisor is hereby authorized to sign any and all transfer documents required to effectuate the conveyance and record the same in the Washington County Clerk's Office; and be it further

**RESOLVED**, this resolution shall take effect immediately.

Councilman Sexton-  
Councilman Smith-  
Councilwoman Stark-  
Councilwoman Witherell-  
Supervisor Hall-

**TOWN OF FORT ANN  
COUNTY OF WASHINGTON, STATE OF NEW YORK**

Resolution Number 96 of 2023  
Adopted December 11, 2023

Introduced by COUNCIL who moved its adoption.  
Seconded by COUNCIL

**RESOLUTION ESTABLISHING THE FEES CHARGED PURSUANT TO  
LOCAL LAW 1 of 2023 A LOCAL LAW  
REGULATING SHORT-TERM RENTALS**

**WHEREAS**, pursuant to Local Law 1 of 2023 – A Local Law Regulating Short-Term Rentals in the Town of Fort Ann, the Town Board shall set the annual license fee by resolution; and

**WHEREAS**, the Town is desirous of setting the per property annual license fee for the 2024 Short-Term Rental license year.

**NOW, THEREFORE BE IT:**

**RESOLVED**, the Town Board, hereby finds that based on the administration costs associated with the regulation of short-term rentals, it is in the best interests of the Town to set the per property annual license fee for the 2024 calendar year at Three Hundred Fifty Dollars (\$350.00); and be it further

**RESOLVED**, the annual license fee of Three Hundred Fifty Dollars shall automatically renew each and every year thereafter unless superseded by a resolution of the Town Board; and be it further

**RESOLVED**, this resolution shall take effect immediately.

Councilman Sexton-  
Councilman Smith-  
Councilwoman Stark-  
Councilwoman Witherell-  
Supervisor Hall-