

MINUTES OF THE REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF FORT ANN HELD AUGUST 13, 2012 COMMENCING AT 7:00 P.M.

PRESENT: DARLENE Z. DUMAS, SUPERVISOR  
DUANE A. BURCH, COUNCILMAN  
BRUCE K. WHITNEY, COUNCILMAN  
GRETCHEN R. STARK, COUNCILWOMAN  
ALFRED E. DUNLOP, COUNCILMAN

OTHERS PRESENT: HELEN DENNO, CONFIDENTIAL SECRETARY TO SUPERVISOR  
PAUL WINCHELL, SUPT. OF HIGHWAYS

RECORDING SECRETARY: MARY JANE GODFREY, TOWN CLERK

A moment of silence was held for the Fort Ann residents who have died.

Motion was introduced by Ms. Stark and seconded by Mr. Dunlop to approve minutes of the July 9, 2012 Town Board Meeting with the following corrections:

Page 47; under Battle Hill Project; it should include the name of Chris Martin that was not included in the said Minutes.

Page 48; in the first paragraph; "The cost will be reimbursed, etc." it should have a period after the word Town and a capital L for the word "Launching."

Page 49; the first paragraph should read that Tim Gleason is the coach for the Girl's Soft ball Team, not Dane Clark.

Page 49; second paragraph should read Dane Clark is the coach of the Boy's Baseball Team.

Ayes: 5      Nays: 0      Absent: 0      Abstain: 0

Motion was carried with corrections.

Motion was introduced by Mr. Burch and seconded by Ms. Stark to pay the bills as warranted and audited.

Ayes: 5      Nays: 0      Absent: 0      Abstain: 0

Motion was carried.

Supervisor's Report: The Monthly Statement to Supervisor for July, 2012 is on the Town's web site and a paper copy may be obtained upon request.

As to Gloria Quinlan's request from the July 9, 2012 Town Board Meeting to be removed from the Lake Hadlock District; Supervisor Dumas stated to be removed from the Lake Hadlock

District, one must transmit a copy of one's deed, survey and title search before being considered to be removed from the said District.

Kim Bender stated the Recreation and Finance Committees still need volunteers.

Shelving Rock Road Closure: Supervisor Dumas stated NYSDEC did not close the said Road. When the parking lot was full, NYSDEC denied persons access.

Supervisor Dumas and Ms. Stark recently attended Planning Board Training.

Supervisor Dumas spoke on the Bond issue ,i.e. Bond Anticipation Note ("BAN") for payment of Hadlock Pond Dam breach in 2005. The current BAN expires August, 2012. Ms. Dumas suggested taking out a long-term bond instead of a year-to-year BAN, which has been done. An information sheet was distributed to Ms. Denno, Town Attorney and Supervisor Dumas.

Moody's Investors Service has rated/considered the Town an A1 town with a 3% interest rate. This would be a bond at 3% for 23 years. The price for the district was paying for the loan was \$235,000.00 a year but now the amount will be \$110,000.00 a year. If the loan was paid off earlier, the Town would be penalized. After 7 years, it could be paid off without penalty. The Town is liable for 23% of claims against the Town. If settlement is made, not by a trial, the Town is responsible for 23%. Legally, the Town cannot pay and is not going to pay the 23% of the \$1,690,000.00. A question to the Supervisor was if the Town could gift the money and pay the loan. The answer was the Town cannot do this. In 2006, 2 resolutions stated the District is obligated to pay the debt. Morally, the Supervisor believes the Town should be paying, not the Hadlock District. Supervisor has asked if the Town pays the 23%, the Town would have to create a new BAN resolution and the Town would have to go through the BAN process again.

Richard Moore, Summer Way, Fort Ann, NY spoke on the BAN. Supervisor stated the Town should contribute but cannot, according to the NYS Law.

No information has been received on the date of the Town Audit. An e-mail was sent by Supervisor Dumas questioning when this will take place but no response has been received as yet.

Town Clerk gave a report of monies collected for the month of July, 2012.

Public Comments: Supervisor opened the Public Comment at 7:25 p.m. This Public Comment continues the Public Hearing of July 9, 2012 on the Waterfront Park Project. Donna Filamino of Dutchess County commented and complimented the structures on State Rte. 4 corner and Rte. 149 and requested the Town not remove the historical buildings and suggested the Town ask Cumberland Farms to give up their building and rebuild instead. Supervisor stated Department of Transportation has decided to remove the building on the corner. Supervisor will investigate this issue.

Virginia Parrott, Town Historian, stated she has been in contact with NYSDEC and they stated the corner building, Fort Anne Antiques, is not an historic building.

Hearing no further comments, the Public Comment section was declared closed at 7:32 p.m.

Highway Superintendent's Report: Mr. Winchell reported on blacktopping, gravel, paving mowing, regarding and other work completed and also stated the CHIPS paperwork has been completed. Mr. Winchell stated tires are needed for the Grader and stated he had received a quote of \$2,871.00 for 4 new tires for said Grader.

Resolution No. 2012-040 was introduced by Mr. Burch and seconded by Mr. Whitney authorizing the Superintendent of Highways to purchase four (4) new tires for the Grader at a cost of \$2,871.00.

Ayes: 5 Nays: 0 Abstentions: 0 Absent: 0

Resolution No. 2012-040 was duly adopted.

Mr. Winchell discussed a new motor needed for a mower in the amount of \$7,200.00.

Recreation and Tourism Report: Ms. Stark gave a report on the Recreation and Tourism and also the Fort Ann Beach. Camp Little Notch Committee would like to meet with the Town Board to discuss liability. Lifeguards replacements were discussed. Supervisor Dumas will contact the Town's insurance agent, Northern Insuring Agency, Inc.

Mr. Dunlop gave a report on the Lake George Park Commission ("LGPC," and attended a meeting on the invasive species. The said LGPC will probably develop rules on this issue of invasive species. Mr. Dunlop reported on boats must be cleaned inside and out and dried before entering Lake George waters. Mr. Dunlop has a new draft of a resolution for the Waterfront Park Committee to continue to obtain necessary permits, approvals and papers to be signed by the Supervisor. (See attached.) Supervisor Dumas is concerned with the legal aspects and stated the Town Attorney said the Committee cannot legally enter into any agreements; everything must be approved by the Town Board. The Town Attorney stated the Procurement Policy should be studied. Supervisor stated there should be a resolution to proceed with the Waterfront Park. Mr. Burch stated there are many other things that should be approved first. The Town Attorneys stated the Town must follow the Procurement Policy which this project does, according to Mr. Dunlop. This Project would be completed, hopefully, by the end of October, 2012. Mr. Burch stated he does not see anything "written in stone." He also spoke on the Waterfront Park and how can the Town have a Park without sewage and water. Mr. Dunlop stated other towns do not have sewage and water. It was stated that Mr. Dunlop and Mr. Ouderkirk cannot enter into a contract. Supervisor Dumas read an e-mail from the Town Attorney stating again, the Town must follow the Procurement Policy. The gazebo cost of \$9,000.00 would be under the Procurement Policy. The work should be finished by the end of October, 2012. There is no budgeted money for this project at present.

Eugene Ouderkirk, Clay Hill Road, Fort Ann, NY spoke on the said Park, time limits for submission of necessary papers, contract information, and stated this does not impact the Town Budget.

Resolution No. 2012-041 was introduced by Mr. Dunlop and seconded by Mr. Whitney to proceed with the Waterfront Park.

Ayes: 3 (Whitney, Dunlop, Stark)    Nays: 2 (Burch, Dumas)    Abstentions: 0  
Absent: 0

Resolution No. 2012-041 was duly adopted.

Resolution No. 2012-042 was introduced by Mr. Whitney and seconded by Mr. Dunlop authorizing the Town Supervisor to enter into agreements and contracts for the Waterfront Park.

Ayes: 5    Nays: 0    Abstentions: 0    Absent: 0

Resolution No. 2012-042 was duly adopted.

Patrick Barber, Fort Ann, NY reported on the Battle Hill Project and submitted a proposed resolution entitled "American Legion Post 703, the Fort Ann Historical Society and other interested parties hereby call for a moratorium on development, including mining, within the boundary designated by the Department of Interior (map dated January, 2011), as the Fort Ann Battlefield Cove Area, as of August 13, 2012, for a period of two (2) years." (See attached.) The work on this project was greatly appreciated. The Committee encourages the Town Board to pass this resolution.

Christine Milligan read a letter on preserving the Battle Hill. Ms. Milligan requested this resolution be approved at the September 13, 2012 Town Board Meeting. Supervisor has contacted the Town Attorney on this requested resolution.

Correspondence/Miscellaneous: A letter was received from the Old Stonehouse Library Committee on the successful children's program. Committee also is requesting \$600.00 to assist in additional programs for the children. Joan Degener of the same Committee submitted a letter on the said Library, the Fort Ann Beach and the Recreational Program.

Jacqueline Bancroft submitted a letter of interest in being a Planning Board Member.

Department of Agriculture and Markets submitted the inspection report of the Dog Shelter which was approved and passed.

An invoice in the amount of \$987.00 from the LA Group was submitted and approved for their presentation last month.

Resolution No. 2012-043 was introduced by Mr. Whitney and seconded by Mr. Dunlop to do the requested improvement to the Old Stonehouse Library except for the painting in the amount of \$1,345.00.

Ayes: 5      Nays: 0      Abstentions: 0      Absent: 0

Resolution No. 2012-043 was duly adopted.

Washington County Sheriff, Jeff Murphy, will appear at the Fort Ann Town Board Meeting of September 10, 2012.

There is now a new Director of Nursing at the Pleasant Valley Infirmary. The salary will be a daily amount instead of \$1,000.00 a day that the previous nurse received.

Public Discussion was opened at 8:23 p.m.

Mary Lutz spoke of the repairs to the said Library.

A woman in the audience spoke on the Waterfront Park Project, the proposed demolishing of the building at the corner of Rte. 4 and 149 and was told there is no sewage and water for the said Park.

George Sherwood, Fort Ann, NY spoke on boat launching, no sewage or water at present for the Park and other discussions.

Gene Connell, Hadlock Pond Road, Fort Ann, NY spoke on the BAN and is concerned. The Town has liability in amount of 23%, spoke that it is an injustice to the 279 residents of the Hadlock Park District for \$1,694,000.00 to be borne by the Hadlock Park District and is an injustice to persons who were harmed the most during the Hadlock Pond breach due to mistakes made by the Town Board. The Town did not have insurance for the one failure to the Dam. The Town is now insured. The amount assessed to Kubricky Construction, Atlantic Labs and HTE Engineers was reduced by 23% which is a town-wide expense, not a Hadlock Park expense. It was stated that the Town owns the dam and the bottom of Lake Hadlock.

Ms. Bancroft questioned why the Town Attorney is not present at the meeting and Supervisor Dumas stated the Town Attorney is only present upon request.

Mary Davis, Pilot Knob Road, Kattskill Bay, NY gave a report on the recent accident at the Fort Ann Beach of a truck hitting a tree which affected the power but is now resolved.

Discussion on a sign at the Fort Ann Beach and which will soon have a sign for residents only.

Motion was introduced by Mr. Whitney and seconded by Ms. Stark to go into Executive Session at 8:40 p.m. to discuss pending litigation.

Ayes: 5      Nays: 0      Abstentions: 0      Absent: 0

Motion was carried.

Motion was introduced by Mr. Dunlop and seconded by Ms. Stark to go out of Executive Session at 8:55 p.m.

Ayes: 5      Nays: 0      Abstentions: 0      Absent: 0

Motion was carried.

Resolution No. 2012-044 was introduced by Mr. Dunlop and seconded by Ms. Stark authorizing Jim Burns, Attorney to move forward.

Ayes: 5      Nays: 0      Abstentions: 0      Absent: 0

Resolution No. 2012-044 was duly adopted.

Motion was introduced by Mr. Whitney and seconded by Mr. Burch to adjourn at 8:57 p.m.

Ayes: 5      Nays: 0      Abstentions: 0      Absent: 0

Motion was carried.

Total Abstracts:	General:	\$ 11,950.77
	Highway:	\$187,052.94
	Youth Comm.:	\$ 49.00

Respectively submitted,

Dated: August 27, 2012

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Mary Jane Godfrey, Town Clerk  
Town of Fort Ann, New York