

MINUTES OF THE REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF FORT ANN HELD
MARCH 10, 2014 COMMENCING AT 7:15 P.M.

PRESENT: Supervisor Darlene Dumas
Councilwoman Gretchen Stark
Councilman Howard Denison
Councilman Floyd Varney
Councilwoman Deborah Witherell

OTHERS PRESENT: Jeff Meyer, Town Attorney, Helen Denno, Confidential Secretary to the Supervisor, Barbara Winchell, Town Clerk, Bill Toscano, The Post Star, Debbie Camarota, Ed Sharrow, President Fort Ann Volunteer Fire Co., Duane Burch, Jr., Kim Bender, Richard Moore, Gene Connell, Chad Wilson, Tina Denison, Don Ballard, Mary Davis, Christine Milligan, George Sherwood, Scott Baldwin, Joe and Mary Stockman, Eugene Ouderkirk, Joe Loszynski and Michael Grasso, Vice President, Cool Insuring Agency.

ABSENT: Paul Winchell, Highway Superintendent

Meeting was called to order with the Pledge of Allegiance to the Flag and a moment of silence was held for Fort Ann deceased residents.

Motion was introduced by Councilwoman Witherell and seconded by Councilwoman Stark to accept the Annual Audit Workshop minutes of January 30, 2014.

Motion was carried unanimously to accept minutes of January 30, 2014.

Motion was introduced by Councilman Stark and seconded by Councilman Denison to accept the Town Board Minutes of February 10, 2014.

Motion was carried unanimously to accept minutes of February 10, 2014.

Motion was introduced by Councilwoman Witherell and seconded by Councilman Varney to accept the Special Meeting Minutes of February 24, 2014.

Motion was carried unanimously to accept the minutes of February 24, 2014.

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

Motion was carried unanimously.

Supervisor's Report: The Monthly Statement to Supervisor is available on the Town's website, fortannfornow.com. A paper copy is available upon request.

Supervisor Dumas has signed the Fire and Rescue Contracts for 2014.

Supervisor Dumas received 25 phone calls for the month of February.

Town Clerk's Report was given for the month of February 2014. The Town Clerk received a letter from the Tri-County Town Clerks' Association advising she was awarded a \$250.00 scholarship to help defray the cost of the New York State Town Clerks Association 2014 Conference cost.

Public comment was opened at 7:26 p.m.

Mr. Richard Moore, 2325 Summer Way, Fort Ann referred to emails that he recently had received from Supervisor Dumas from Mark Brownstein, Engineer, Haley & Aldrich, regarding insurance coverage currently on the dam. Mr. Mike Grasso, VP, Cool Insurance Agency, distributed a handout for the Town of Fort Ann. He explained that an RFP went out to 13 agents and stated it is difficult to find a carrier that will write dams. He explained the Proposal Premium Comparison for 3/26/14 to 3/26/15 lists different options with different deductibles. After listening to Mr. Grasso it was recommended that the \$5M 2 YR was probably the best option and to pay the premium because deductibles can be changed at any time. It was also stated that this wouldn't be an ideal time to go out for quotes. Since there were only three Hadlock property owners present at tonight's meeting it was suggested that Supervisor Dumas schedule a meeting with the Hadlock property owners. There is a Hadlock Board meeting scheduled for March 29, 2014 and there would be a Hadlock Association meeting in July 2014.

Public comment was declared closed at 7:48 p.m.

Supt. of Highways Report: Mr. Winchell was unable to attend tonight's meeting. Duane Burch, Jr. reported that opening and closing the Hadlock Dam valve depends on weather conditions. He submitted a report to Supervisor Dumas that she thanked him for and said copies of the report would be made available to any of the other Town Board members that would like a copy.

Town Board/Committee Reports: Councilman Denison stated that a letter went out to National Grid regarding the cost of removing the lights on Goodman Road as well as the cost of turning on and off the lights on Goodman Road. He will forward a copy of this letter to the other Town Board members. Councilman Denison distributed a list of 27 items that the Town of Fort Ann Board has to work on or has been completed:

- 1) First meeting resolutions – done
- 2) Town Hall Maintenance (Window, lights, basement stairs, storage) – done
- 3) Meeting places. Firehouse
- 4) Approval for Hadlock Dam management – done
 - a) Memorandum of understanding (Steve LaMere) for lake management plan – done

- b) Approval of Harvester extension. August (Steve LaMere will do paperwork) Attorney approval?
- 5) Have Attorney ask Judge for a Declaratory Judgment Action as to the 23% award against the Town of Fort Ann (letter from Darlene to Judge) Open
- 6) Set Assessors hours 3 days
- 7) Set Clerk hours M-F 9 to 5
- 8) Bookkeeping on Computer and keep in house. Supervisor's computer at Town Hall. Meet with Helen – Started
- 9) Redo Recreational FEES
- 10) Community plan (Zoning) Set town wide meeting.
- 11) Joint meeting with Planning Board
- 12) Emergency plan? Started
- 13) Equipment for Planning Board – done
- 14) Appoint attorneys – done
- 15) Set up committees
- 16) Board to set Planning Board Chairman or let the Planning Board do – done
- 17) Cemeteries – still working on
- 18) Appoint Cindy Allen to Street scape project – done
- 19) Update web site and turn over ownership to Town. Look to having a student do the updates on the web site.
- 20) Street light on Goodman Rd – letter sent to National Grid, Waiting
- 21) Removal of Gloria and Oconner – sent to state
- 22) Name the person to oversee Dam (Paul) Done
- 23) Grant Writing for Sewer and Water, ext district and have town take it over
- 24) Trees on 149, Hadlock intersection
- 25) Attorney for Hadlock, Fire companies Districts
- 26) Insurance Hadlock Dam
- 27) Equipment inventory: Town Hall and others
- 28)

Councilman Denison stated he sent a letter to Attorney Meyer asking if there was a way to assist the Fort Ann Volunteer Fire Department with their lack of funds issue. The Fort Ann Volunteer Fire Department is working with Whitehall Fire Company for grant assistance/availability.

Councilwoman Witherell is putting together a committee to assist in developing an emergency evacuation plan for the Town of Fort Ann. She has reached out to William Cook, Washington County Emergency Services Director, Mayor Foran, Kim Bender, Sgt. Tom MacDuff and Cody Jacobsen, Fort Ann Rescue Squad, to be a part of a committee. This committee will hold its first meeting on April 17, 2014 at 6:30 p.m. at the Fort Ann Town Hall. Mary Davis will ask if anyone in Pilot Knob is interested in being a part of this committee. Supervisor Dumas will forward Dave Gould's email address to Councilwoman Witherell. Mr. Ed Sharrow stated this will be a long process.

Councilwoman Witherell referred to an email she received from Mr. Richard Moore dated 2/26/14 which has 3 questions that need answers since according to the emails have been outstanding between 9 and 24 months. Supervisor Dumas responded that will be discussed later in the meeting.

Councilman Varney stated he would like to see Blossom Cemetery become a non-profit organization. Debbie Camarota responded she and the Friends of Blossom Cemetery want the Town of Fort Ann to own the Blossom Cemetery.

New Business: Councilman Denison proposed having the Town add a \$500 per unit recreation fee for developers who propose subdivisions of five or more units. Supervisor Dumas stated this was suggested to the previous Town Board a couple of years ago and they were not agreeable to this at that time. Councilman Denison asked Attorney Meyer to look into this since this involves Town Law a public hearing will be necessary.

Resolution 37-14

AUDITING THE FINANCIAL RECORDS OF THE TOWN OF FORT ANN

On motion of Councilwoman Witherell, seconded by Councilwoman Stark, the following resolution was

ADOPTED – VOTE -

Ayes 5 Witherell, Stark, Dumas, Varney, Denison

Nays 0

IT IS RESOLVED, that the Fort Ann Town Board audited the financial records for the fiscal year January 1, 2013 through December 31, 2013.

Resolution 38-14

AUTHORIZING THE APPROPRIATION OF ADDITIONAL CHIPS REVENUE RECEIVED IN 2013

On motion of Councilwoman Witherell, seconded by Councilman Varney, the following resolution was

ADOPTED – VOTE –

Ayes 5 Witherell, Varney, Dumas, Denison, Stark

Nays 0

IT IS RESOLVED, that the Town of Fort Ann Board authorizes the appropriation of Additional CHIPS Revenue received in 2013.

Resolution 39-14

AUTHORIZING BUDGET TRANSFERS BETWEEN APPROPRIATIONS

On motion of Councilwoman Witherell, seconded by Councilman Denison, the following resolution was

ADOPTED – VOTE -

Ayes 5 Witherell, Denison, Dumas, Varney, Stark

Nays 0

IT IS RESOLVED, that various budget transfers occur between appropriations.

Resolution 40-14

AUTHORIZING \$4,719.00 TO BE MOVED FROM DB599 to DB5110.4

On motion of Councilwoman Witherell, seconded by Councilman Varney, the following resolution was

ADOPTED – VOTE –

Ayes 5 Witherell, Varney, Dumas, Denison, Stark

Nays 0

IT IS RESOLVED, to move \$4,719.00 from DB499 to DB5110.4.

Correspondence and Miscellaneous: Supervisor Dumas stated she was working with Kim Bender on applying for grants through database. Kim Bender receives notifications automatically so she knows what grants are available.

Supervisor Dumas stated she received a letter from Assemblyman Stec and Kim Bender is working with his office as well as Senator Little's office in order to move forward with having five properties removed from the Special District. The Town of Fort Ann Board would have to pass a resolution at the April Board meeting and complete Home Rule Forms and forward to Assemblyman Stec's Albany Office.

Supervisor Dumas received a letter recently from Supervisor Dickinson of Lake George in regards to a wastewater treatment systems worksheet/septic initiative program. Supervisor Dickinson is reaching out to area supervisors for their input and participation. Supervisor Dumas will respond to his request the week of March 10, 2014.

Supervisor Dumas stated she spoke to Dick Look and Northern Insuring Agency regarding Blossom Farm Cemetery and was told it was a legal issue not an insurance issue and that if Skidmore College digs on the Blossom Farm Cemetery property this summer the college needs to provide a certificate of insurance.

Public Discussion was opened at 8:36 p.m. Debbie Camarota updated everyone on the fundraisers that will be taking place and how much money has been raised to date for Blossom Farm Cemetery. Attorney Meyer is looking into why a deed and survey are needed. Mr. Ray Wilson wants the Town of Fort Ann to own this piece of property according to Debbie Camarota. Skidmore College is looking for a letter of commitment from the Town of Fort Ann so they can prepare for their dig of the property this summer which would consist of four college students and two professors. Debbie Camarota feels this is the best way to retrieve historical information. Christine Milligan stated that she read the cemetery law book and Mr. Wilson has no say about selling this piece of property he cannot sell it and he cannot own it.

Supervisor Dumas and Attorney Meyer stated that at every Town Board meeting new information arises regarding Blossom Cemetery. Councilman Denison read 119-DD General Municipal Law correspondence from Town Attorney. A public hearing is required in order to

make it a historical site. The Town of Fort Ann can take this piece of property over as a cemetery once the boundaries are defined which is approximately 1 ½ acres but the territory has to be positively defined. Define what the cemetery is by GIS mapping. Councilman Denison fully support this being taken over by the Town of Fort Ann but needs to have all the facts before proceeding. Attorney Meyer was asked to research if the American Legion 501 Veterans Organization can own a cemetery.

Councilman Denison made a motion to move forward by designating this a private cemetery but there was no second.

Mr. Richard Moore thanked the Town Board for taking insurance to proper level. Councilwoman Witherell asked that the rest of Mr. Moore’s email from earlier be addressed in particular the alleged mishandling of 3 bans in Aspland’s law firm resulting in \$48,000.00 of additional interest paid for by the District residents and the insurance settlement checks held by Aspland’s firm resulting in lost interest to the District. Attorney Meyer recused himself from this subject.

Councilwoman Witherell stated she would like the Town Board to file a complaint against Aspland’s law firm for official misconduct enforcement – rules of professional conduct investigated and possibly get the \$48,000.00 recouped. Councilwoman Witherell will research this subject further and may present a resolution at future Board meeting.

Motion was introduced by Councilman Varney and seconded by Councilwoman Stark to adjourn at 10:00 p.m.

Motion was carried unanimously.

Total Abstracts:	General	\$15,419.61
	Highway	\$32,338.19

Respectfully submitted,

Barbara J. Winchell, Town Clerk
Dated: March 13, 2014