

MINUTES OF THE REGULAR MEETING OF THE FORT ANN TOWN BOARD HELD NOVEMBER 10, 2014

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

ABSENT: Councilman Floyd Varney

OTHERS PRESENT: Jeff Meyer, Town Attorney, Helen Denno, Confidential Secretary to the Supervisor, Barbara Winchell, Town Clerk, Paul Winchell, Highway Superintendent, Mark Miller, Enforcement Officer, Richard Moore, Dave Dumas, Denny Fletcher, Virginia Parrott, Town Historian, Christine Milligan, Gene Ouderkirk, Dale Grinnell, Anne & Bill Wilcox, Joe Wright, Stan & Carol Gannon, Eric Teras, Duane Vaughn, Don Ballard, Grace & Peter Saville, Lake Nebo Rd., Fort Ann

Supervisor Dumas called the meeting to order at 7:00 p.m. with the pledge of allegiance and a moment of silence was held for Fort Ann deceased residents.

Motion was introduced by Councilwoman Witherell, seconded by Councilwoman Stark, to accept the Meeting Minutes of October 14, 2014.

Motion was introduced by Councilwoman Witherell, seconded by Councilwoman Stark, to accept the Public Hearing and 2015 Preliminary Budget Meeting Minutes of October 21, 2014.

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

Supervisor's Report: Supervisor Dumas stated there was an election on November 4, 2014 and there is money in the 2014 budget to buy dinners for the Election Inspectors at the Fort Ann Firehouse as well as the West Fort Ann Firehouse. Vouchers have been submitted and approved for both fire companies. She advised that the highway truck loan papers have been signed. Supervisor Dumas stated she has posted a Supervisor's blog for the months of September, October and November and made paper copies available for those who may not have access to a computer. Supervisor Dumas stated that the town has 3 or 4 committees and the committees are put together by her and the role of committees is purely advisory. She stated there seems to be some confusion regarding the role of the cemetery committee so she wanted to remind the cemetery committee of their role to investigate the conditions of all town cemeteries. In the future she would like the cemetery committee to submit a written report, signed by all the cemetery committee members, to the Town Board containing recommendations. Then the Town Board would make appropriate considerations and decisions. Members of the committee have no decision making authority and cannot make promises and if promises are made it's entirely improper. She emphasized that no one town board member has the authority to make decisions or has any binding authority. The monthly statement to supervisor is available on the Town's website, townoffortann.com. A paper copy is available upon request. Supervisor Dumas stated work is still being done on the 2015 budget. She has a few minor changes and that there was a 2015 preliminary budget hearing October 21, 2014 at 2:00 p.m. and is continuing tonite. It will be closed tonite with it being finalized and adopted November 14, 2014 at a Special Meeting at 2:00 p.m.

Town Clerk's Report: Was given for the month of October 2014.

Public Hearing was reconvened at 7:09 p.m. with Supervisor Dumas reminding those in attendance that this public hearing was continuing from the October 21, 2014 public hearing regarding the 2015 budget. Skip Bearor, representing the Fort Ann Fire Company, and Don Ballard representing the Fort Ann Fire Company, both expressed the need for additional funds for both of these companies in order to operate past the first quarter of 2015. Gene Ouderkirk stated that the supervisor's salary has increased approximately 31% since 1/1/12. Skip Bearor asked about the 11/14/14 meeting and Supervisor Dumas explained it's not a public hearing but a special meeting.

Public Hearing was closed at 7:12 p.m. regarding the 2015 budget.

Open public hearing at 7:13 p.m. regarding consideration of the removal of five (5) parcels from the Lake Hadlock District pursuant to Town Law 202-c. Supervisor Dumas stated she received an email regarding this subject and would read it later but first wanted to have Attorney Meyer explain the purpose of the public hearing. Attorney Meyer explained the number of steps that have been involved in this process from getting through special legislation to special election to have properties removed. This is all subject to permissive referendum anytime there is shrinking of a tax district with debt outstanding. Attorney Meyer did bring maps to tonight's meeting for anyone to view.

Supervisor Dumas read an email from Alex Dilallo, Hadlock Pond Rd., regarding his disapproval of the Quinlan's property being removed from the Lake Hadlock Park District.

Carol and Stan Gannon thanked the Town Board for this consideration and that they are doing a great job. The Gannon's are one of the properties on Twiss Road that has no access or rights to Hadlock Pond and appreciated the Town Board's time on this matter.

Richard Moore asked what changed to allow this to happen now and couldn't happen before? He is happy this is coming to an end after eight (8) years and asked will there be any money going back to these people? Mr. Moore stated that in September 2013 he asked about remapping of the park district and wondered why it wasn't done in conjunction with the removal of these five (5) parcels.

Duane Vaughn spoke about being familiar with two (2) of the properties on Twiss Road and that one of these people have paid over \$1,100 in dam taxes and have no benefit of the lake. One of these properties is selling below the assessed value because of taxes and hopes the Board will vote in support of removing these five (5) parcels.

Public Hearing was closed at 7:24 p.m. regarding the removal of five (5) parcels from the Lake Hadlock Park District pursuant to Town Law 202-c.

Attorney Meyer read the Short Environmental Assessment Form (SEQRA) form to Supervisor Dumas and she answered all questions accordingly (4 page form filed in the minute book). A motion was introduced by Councilwoman Witherell, seconded by Councilwoman Stark, to accept the declaration for the Short Environmental Assessment Form (SEQRA). Councilman Denison abstained.

Supervisor Dumas asked the Town Clerk to read the following resolution:

ORDER OF THE TOWN BOARD OF THE TOWN OF FORT ANN TO DIMINISH THE AREA OF THE LAKE HADLOCK PARK DISTRICT BY REMOVING FIVE (5) PARCELS BEARING TAX MAP NUMBERS: 110.-1-25.1; 110.-1-25.2; 110.-1-25.3; 101.15-1-14.2; and 101.15-1-14.1 FROM THE LAKE HADLOCK PARK DISTRICT

WHEREAS, by the Town Board of the Town of Fort Ann (the “Town”), in the County of Washington, on this 10th day of November 10, 2014, as follows:

WHEREAS, on March 7, 1977, the Town Board of the Town of Fort Ann adopted an Order establishing the Lake Hadlock Park District (the “District”) in the Town of Fort Ann, County of Washington and State of New York; said District being established as a “park district” in accordance with Article 12 and 12A of the Town Law; and

WHEREAS, by resolution number 48 of 2013, duly adopted on December 9, 2013, the Town Board requested the State Legislature to enact a statutory provision authorizing the Town of Fort Ann to remove three specific parcels, as described therein from the Lake Hadlock Park District since the parcels of real property are not benefited from the inclusion in the District and are not under or bordered by Lake Hadlock or benefited by easements or rights of way to the shores of Lake Hadlock in the Town of Fort Ann; and

WHEREAS, by resolution number 27 of 2014, duly adopted on January 28, 2014, the Town Board requested the State Legislature to enact a statutory provision authorizing the Town of Fort Ann to remove two additional specific parcels, as described therein from the Lake Hadlock Park District since the parcels of real property are not benefited from the inclusion in the District and are not under or bordered by Lake Hadlock or benefited by easements or rights of way to the shores of Lake Hadlock in the Town of Fort Ann; and

WHEREAS, in response to resolutions 48 of 2013 and 27 of 2014, the NYS Assembly introduced Assembly Bill number 8899 and the NYS Senate introduced Senate Bill number 6649, authorizing the Town Board of the Town of Fort Ann to diminish the area of the Lake Hadlock Park District by removing the five (5) parcels described in said resolutions;

WHEREAS, the five (5) total parcels described in resolutions 48 of 2013 and 27 of 2014 the board desires to remove from the Lake Hadlock Park District are defined as follows:

- (1) Washington County Tax Map Identification Number: **110.-1-25.1** and commonly known as 54 Twiss Road, Town of Fort Ann, Washington County, New York
- (2) Washington County Tax Map Identification Number: **110.-1-25.2** and commonly known as 32 Twiss Road, Town of Fort Ann, Washington County, New York
- (3) Washington County Tax Map Identification Number: **110.-1-25.3** and commonly known as 28 Twiss Road, Town of Fort Ann, Washington County, New York
- (4) Washington County Tax Map Identification Number: **101.15-1-14.2** and commonly known as 1440 Copeland Pond Road, Town of Fort Ann, Washington County, New York

(5) Washington County Tax Map Identification Number: **101.15-1-14.1** and commonly known as 1444 Copeland Pond Road, Town of Fort Ann, Washington County, New York

WHEREAS, in accordance with New York State Assembly Bill No. A08899 signed into law by Governor Andrew Cuomo on September 23, 2014, the Town Board may remove the five (5) parcels from the Lake Hadlock Park District, subject to permissive referendum; and

WHEREAS, that this action is an Unlisted Action pursuant to the New York State Environmental Quality Review Act, the Town Board. In accordance with the requirements thereof and the regulations set forth at 6 NYCRR 617.1 et. seq., the Town Board having previously found that the removal of such parcels from the Lake Hadlock Park District will have no adverse impact on the environment. A Short Environmental Assessment Form, which the Town Board has reviewed and taken a hard look at, is attached to this resolution.

NOW, THEREFORE BE IT:

ORDERED BY THE TOWN BOARD OF THE TOWN OF FORT ANN, that the Town Board finds that the parcels identified are not benefited from the inclusion in the District and are not under or bordered by Lake Hadlock or benefited by easements or rights of way to the shores of Lake Hadlock in the Town of Fort Ann as stated previous resolutions and enumerated in the above “whereas” clauses; and be it further

ORDERED, that the Town Board, pursuant to section 202-c of the Town Law and special legislation reference above, hereby removes the five (5) parcels described in resolutions 48 of 2013 and 27 of 2014; namely Washington County Tax Map Identification Numbers 110.-1-25.1; 110.-1-25.2; 110.-1-25.3; 101.15-1-14.2 and 101.15-1-14.1 from the Lake Hadlock Park District in the Town of Fort Ann, County of Washington; and be it further

ORDERED, that the Town hereby authorizes and directs the Town Clerk to post and publish notice of the diminution of the district authorized by this resolution in accordance with Town Law Section 90; and be it further

ORDERED, that in accordance with Section 91 of the Town Law, said diminution shall not be made prior to the expiration of thirty (30) days of the adoption of this resolution, provided a petition, meeting the requirements of Section 91 of the Town Law, is not filed with the Town Clerk; and be it further

ORDERED, that upon the expiration of thirty (30) days the Town Assessor is hereby authorized and directed to remove the above described parcels of real property from the Lake Hadlock Park Tax District; and be it further

ORDERED, this shall take effect immediately and is subject to permissive referendum.

Resolution 71-14

ORDER OF THE TOWN BOARD OF THE TOWN OF FORT ANN TO DIMINISH THE AREA OF THE LAKE HADLOCK PARK DISTRICT BY REMOVING FIVE (5) PARCELS BEARING TAX MAP NUMBERS: 110.-1-25.1; 110.-1-25.2; 110.-1-25.3; 101.15-1-14.2; and 101.15-1-14.1 FROM THE LAKE HADLOCK PARK DISTRICT

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

Ayes 4 Dumas, Stark, Denison, Witherell
Nays 0
Absent 1 Varney

Supervisor Dumas stated she always believed the people on Twiss Road should be removed from the district but the Quinlan property is a gray area. Councilwoman Stark agreed with this statement.

Public comment was opened at 7:35 p.m. and with no comments being made was closed at 7:36 p.m.

Highway Superintendent’s Report: The Highway Superintendent reported that all the sand/salt is up and his department is working on the last truck in preparation for winter. He had to report to the Washington County Sheriff’s Dept. that a chain had been cut and a snow plow stolen from the Highway Barn. The insurance company has been notified and will probably cost \$3,000.00 to replace. The Highway Superintendent will call and get two (2) or three (3) different prices.

Resolution 72-14

AUTHORIZE HIGHWAY SUPERINTENDENT TO PURCHASE SNOW PLOW

On motion of Councilwoman Witherell, seconded by Councilwoman Stark, the following resolution was ADOPTED –VOTE -

Ayes 4 Witherell, Stark, Dumas, Denison
Nays 0
Absent 1 Varney

IT IS RESOLVED, to authorize the highway superintendent to purchase a snow plow to replace the one that was stolen.

The Highway Superintendent informed the board that the snow plows will have to be stored in the town barn to avoid this from happening in the future. The last time this happened was about eleven (11) years ago and it was stolen in the summer. He reported that they have been working on grading the dirt roads before it freezes up. They have finished up with the dirt roads on the east side of town. Starting 11/12/14 they will start working on the dirt roads on the west side of town. The highway department is closed 11/11/14 for Veterans Day. The Highway Superintendent and all the Town Board members received a letter from Naomi Witters, Lake Nebo Road, regarding concerns on the road. One of the requests is a speed limit sign and the only thing he can say is it is a 55 mph road and it is not a playground for kids. Keep the kids out of the road. She would have to bring in a petition and the petition would go to Washington County and Washington County would forward to the state. He reported that the trees are down, except one (1), at the Sly Pond Road cemetery and that one (1) tree was not taken down because it is alive.

The Highway Superintendent received a phone call about the draining of Lake Hadlock and he advised that they are about 1-2 weeks behind in draining the lake.

Supervisor Dumas commented that the pavement at the canal park looks nice.

The Highway Superintendent stated he’s had a couple of questions concerning paving at the pocket park on Route 4. He estimates it would cost about \$20,000.00. Councilman Denison stated he thought there

was grant money for the paving at the pocket park. Supervisor Dumas stated she would follow-up with Kim Bender on whether there was grant money for this paving.

Councilwoman Stark reported that she met with Tom Jarrett and they are working on a design for the canal trail. Lock 17 is on the National Register of Historic places. Champlain trail working group from Waterford to Whitehall. There will be a bicycle tour 8/15/15 from Fort Edward to Fort Ann with lunch being served at the Fort Ann Firehouse and participants and their bicycles would take a scenic boat ride back to Fort Edward. There is an Ice Fishing Derby meeting November 13, 2014 and the Ice Fishing Derby date on Hadlock has been scheduled for 1/10/15.

Councilwoman Witherell advised she is still not back up to par from her recent surgery but will contact Jon Pease, Washington County Deputy Safety Director, to set up the next meeting date for Emergency Preparedness Committee.

Councilman Denison reported that the cemetery committee met this past week and has given Supervisor Dumas a written report and hopes it meets her expectations. Councilman Denison reported that a letter went out to the Friends of Blossom Attorney, Peter Barry, and that revisions have been asked for by Friends of Blossom. The revisions went to Attorney Meyer today's date. Attorney Meyer stated he emailed a letter to Councilman Denison for Town Board consideration (a copy of letter dated 11/5/14 from Attorney Meyer to Mr. Ray Wilson and Peter Barry, Esq. is on file). Supervisor Dumas requested a copy of the letter. Christine Milligan, Commander, Raymond W. Harvey Post 703, is a member of the cemetery committee and stated she had not seen a copy of this letter and that there needs to be better communication between the cemetery committee members. Christine stated nothing can be done until there is proof of cemetery ownership and it can't be a Mason monument. Attorney Meyer will photocopy whatever paperwork he has and return the American Legion paperwork to them.

Supervisor Dumas stated she went on a cemetery tour in October of about ten (10) cemeteries and found a gate that was padlocked at Blossom Cemetery. She stated sending a letter to Friends of Blossom Farm and/or their attorney was premature. The title and bids need to be seen by the Town Board and if/when a letter goes out it would have to be Town Board approved. The Town Board has to see the proposals and decide on a surveyor. Supervisor Dumas read a letter from the Friends of Blossom attorney in which he states he agrees with paragraphs 1, 3, 5 and 6.

Attorney Meyer stated whatever route the Town of Fort Ann decides to take a boundary needs to be figured out.

Councilman Denison stated that The Friends of Blossom group have an 86' x 243' fenced in area that they are working in with Mr. Wilson's permission. Mr. Wilson wants to work with The Friends of Blossom but isn't eager to work with the Fort Ann Town Board. He doesn't trust the Fort Ann Town Board.

Councilwoman Witherell stated she wants to see the title search conclusion. Supervisor Dumas stated it sounds like the cemetery committee has done a lot of work but we need to proceed slowly. The Town Board has to see proposals and decide on a surveyor. This will all have to wait until Councilman Varney is back next month and be a full Town Board decision.

Virginia Parrott, Town Historian, asked Supervisor Dumas to ask how other towns are handling abandoned cemeteries. Moving headstones is against the law.

Supervisor Dumas asked Mark Miller, Enforcement Officer, to clarify how he calculates his mileage reimbursement. Does he calculate it from the Fort Ann Town Hall to where he has to go?

Mark spoke about property on Farley Road that needs to be cleaned up but it is in probate and the daughter who is in charge of the estate can't afford to clean it up. Mike Maguire bought commercial property and had to get in touch with Washington County and Adirondack Park Agency. Mark stated that the Town of Fort Ann needs a better definition of RV in the Local Law. Bruce Mowery, Route 149, came to the Planning Board meeting 10/27/14 and will be coming to the Town Board because he has a travel trailer that is connected to water and sewer. Mark wants the Town Board to agree that it's permanent and needs to be moved. John Ward, Washington County Code Enforcement, is taking over the Jim Denton situation on Route 149. Matt Dillon is going on Wayne Bennett's property on Route 149 to take wood to burn in his building on Route 149. There is lots of solar going on – he's signed three (3) this month and continues to get a lot of phone calls and questions on building permits.

Public Discussion was opened at 9:10 p.m. with Richard Moore asking Supervisor Dumas how we are staying under 2% cap and was Hadlock included? There are six (6) different entities of a tax bill and he stated that the town wide tax increased by 22%.

Christine Milligan, Commander, Raymond W. Harvey Post 703 thanked the town board for creating the cemetery committee. She reported that the draft of the Battlehill research has been done and waiting on approval from the American Battlefield Protection Program which is part of the National Park Service and the Department of the Interior.

Public Discussion was declared closed at 9:16 p.m.

Resolution 73-14

RESOLUTION TO ADVERTISE FOR SOLE ASSESSOR (APPOINTED) PART-TIME POSITION

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

Ayes 4 Witherell, Stark, Dumas, Denison

Nays 0

Absent 1 Varney

IT IS RESOLVED, since there will be a vacancy as of 1/1/15 it is necessary to advertise for a Sole Assessor (Appointed) part-time position.

Motion was made by Councilwoman Stark and seconded by Councilwoman Witherell to adjourn meeting at 9:18 p.m.

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| Total Abstracts: | General \$ 20,630.17 |
| | Highway \$19,149.23 |
| | Youth \$ 1,000.50 |

Respectfully submitted,

Barbara J. Winchell, Town Clerk
Dated: November 18, 2014

DRAFT