

**MINUTES OF THE REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF FORT ANN  
HELD SEPTEMBER 14, 2015 AT THE TOWN HALL COMMENCING AT 7:01 P.M.**

**PRESENT:** Supervisor Darlene Z. Dumas  
Councilwoman Gretchen R. Stark  
Councilman Howard Denison  
Councilman Floyd Varney  
Councilwoman Deborah Witherell

**OTHERS PRESENT:** Paul Winchell, Highway Superintendent, Jeff Meyer, Town Attorney, Helen Denno, Confidential Secretary to the Supervisor, Barbara Winchell, Town Clerk, Mark Miller, Enforcement Officer, Dave Dumas, Richard Moore, Denny Fletcher, Dale Grinnell, LeRoy Harrison, Denny Fletcher, Christine Milligan, Virginia Parrott, Bill Knapp, Lee & Steve Jordan, Joan Degener, George Sherwood, Inez Mattison, Michael LaCross, Alex Dilallo, Don Ballard

Meeting was called to order at 7:01 p.m. with the Pledge of Allegiance to the Flag led by Council. A moment of silence for deceased Fort Ann resident Jean Lutz.

Motion was introduced by Councilwoman Stark, seconded by Councilwoman Witherell to accept the minutes of the Regular Town Board Meeting of August 10, 2015. Correction was made to page 70 "The Town only received on bid" should be "The Town only received one bid".

Motion was carried.

Motion was introduced by Councilwoman Witherell, seconded by Councilman Varney to accept the minutes of the Special Meeting of August 17, 2015.

Motion was carried.

Motion was introduced by Councilwoman Witherell, seconded by Councilman Varney to accept the minutes of the Special Meeting of September 1, 2015. Councilman Denison abstained as he was absent from the 9/1/15 meeting.

Motion was carried.

Motion was introduced by Councilwoman Stark, seconded by Councilwoman Witherell to pay bills as warranted and audited. Councilman Denison stated he is questioning #3 on the Youth Commission abstract so he is making an exception to this voucher as it involves the signing of a contract with Fort Ann Central School and therefore he did not initial it.

Motion was carried.

Supervisor's Report: The Agenda for tonight's Town Board meeting and the financial report have both been uploaded to the Town's website. A paper copy is available upon request. Both are also available on the 2015 Town Board meetings page.

Supervisor Dumas received approximately 20 phone calls for the month of August. Supervisor Dumas stated she is working on the 2016 budget and will be scheduling the tentative budget meeting soon. She explained the timeline for the budget process as follows: each department was sent a budget request form that was due back to the Supervisor/Budget Officer by 9/20/15; the Supervisor/Budget Officer will have the tentative budget filed with the Town Clerk by 9/30/15 and the Town Clerk will present the 2016 Tentative budget at a Town Board Regular or Special meeting on or before 10/5/15. Supervisor Dumas stated that the budget workshops are open to the public.

She stated that the Supervisor Blog is on the website and referred people to the second page of the agenda for the web address. The purpose of the blog is to keep people that are unable to attend and have access to computers informed of what is going on at the Town Board meetings.

Supervisor Dumas stated the Washington County Fair was a huge success and those involved in the planning hoped to break the attendance record, it was close, but it wasn't broken. She stated there weren't any chickens at the fair this year because of bird flu and very few rabbits for some reason.

Christopher DeBolt has been named Deputy County Administrator and is working with current County Administrator, Kevin Hayes, in anticipation of Kevin's retirement 12/31/15 and then Chris will be the County Administrator.

Town Justice James Richardson resigned effective 9/4/15. Robert J. Putorti, Jr., Village/Town Justice in Whitehall was named Acting Town of Fort Ann Justice through 12/31/15. He already contacted the NYS Court system and ordered a new computer at no cost to the Town of Fort Ann. It should be arriving soon.

Supervisor Dumas stated they are still waiting for the testing results on Mattison Road. There is nothing to report tonight but is hoping the testing results will arrive soon and then it can be decided the best action to take.

Supervisor Dumas spoke of the special meeting held 9/1/15 in order to conduct a public hearing as required by S147(f) of the Internal Revenue Code for approving a finance agreement between the Fort Ann Fire Company and Community First National Bank for a Ferrara Engine Rescue Truck.

Supervisor Dumas stated there would be a resolution at tonight's meeting reappoint Jack Davis to the Board of Assessment Review 10/1/15-9/30/2020.

Supervisor Dumas stated the Hadlock dam inspection was performed 9/3/15 by Haley & Aldrich.

Supervisor Dumas explained that there's eleven (11) pages to the budget and during the budget workshop she goes down each item on those eleven (11) pages line by line. She stated that if anyone ever has any questions she welcomes any questions/concerns that anyone has about the budget and will be happy to meet or speak with anyone that especially can't make it to the budget workshop(s).

Supervisor Dumas stated she spoke with Floyd Varney, Chairman of the cemetery committee, and believe she has come up with a solution for the long standing Blossom Farm Cemetery issue. Mr. Varney then took this possible solution to the cemetery committee. Supervisor Dumas read an email from the cemetery committee. The cemetery committee had a meeting on 9/9/15 "Meeting opened up at 5:00 p.m. with the following in attendance: Chairman, Floyd Varney, Dale Grinnell, George Sherwood, Christine Milligan and Town Historian, Virginia Parrott. The cemetery on Rt 22 Comstock on the Wilson's property, will be surveyed, given a tax ID and removed from Mr. Wilson's tax roll. The cemetery will be treated as the other abandoned cemeteries in town and will be called the Old Burying grounds as was named in all prior deeds. The town will erect a sign. The property will not be owned or deeded to the town. This is our final recommendation concerning this issue. Cemetery known as VanWormer on Rocky way, stone fence needs to be repaired. All the stones are there, just need to be stacked back up. Apparently damage was done by town snow plow years ago, when they used the property as a turn around." Supervisor Dumas stated that upon receiving this email from Christine Milligan she contacted the Town Attorney who in turn prepared a resolution for tonight's meeting.

**RESOLUTION #75-15**

**DEEMING BLOSSOM FARM CEMETERY AN ABANDONED PUBLIC CEMETERY**

On motion of Supervisor Dumas, seconded by Councilman Varney to accept resolution entitled "Resolution Deeming Blossom Farm Cemetery An Abandoned Public Cemetery"

ADOPTED      AYES 5              Dumas, Varney, Witherell, Denison, Stark

**RESOLVED**, the Town of Fort Ann hereby shall assume the proper care and maintenance of the Blossom Farm Cemetery of said abandoned public cemetery in accordance with section 291 of the NYS Town Law.

The only question Supervisor Dumas had was about the fence. The Highway Superintendent stated the Highway Department should be able to use fence that is there and just add to it.

Town Clerk's Report was given for August 2015. The Town Clerk reported that she, Virginia Parrott, Registrar of Vital Statistics and Records, and the Deputy Town Clerk, Donna Klein, will be attending a Tri-County meeting 9/15/15 regarding Electronic Death Records (EDR) being presented by the NYS Dept. of Health at the Queensbury Hotel. It is unknown when this EDR

will take place but since the current Registrar of Vital Statistics and Records does not have internet access this will have to be anticipated for the 2016 budget. The Registrar of Vital Statistics and Records will need a computer set up at the Town Hall.

The Town Clerk announced that on 9/10/15 Maria McCashon, New York State Archives, came here to view the records storage area in the basement with the Bookkeeper. Maria will come back to the basement on 9/24/15 to make her recommendations and she feels that the Town of Fort Ann would be eligible for a grant for better lighting, shelving, etc. in the basement.

Public Hearing: None

Public Comment opened at 7:30 p.m. with Supervisor Dumas reminding those in attendance that public comment pertains to items on the agenda.

Inez Mattison was looking for an update on Mattison Road. Supervisor Dumas responded that the Town doesn't have a report yet on the different testing that was being done. Supervisor Dumas stated she is hoping to have the report from Dente next week. It is estimated that this project could cost between \$300,000.00 - \$500,000.00.

Public comment was closed at 7:35 p.m.

Supt of Highways Report: The Highway Superintendent stated they've been busy grading some roads, doing some ditch work. They got the Grade All back together so they were able to fix a few culverts and have a few more to go. Been busy drawing winter sand, grading Sly Pond and headed to Shelving Rock. There was an emergency tree job and the highway department had it down and cleaned up in three (3) hours. He mentioned a copy of the petition signed by residents of No. Quarry Road and Hawk Road requesting their roads get blacktopped. Supervisor Dumas asked if this was going to be included in the budget how much would the Highway Superintendent think would have to be budgeted?

Mr. Bill Knapp, 336 Hawk Rd., Ft. Ann stated that there were about 17 residents when he moved to Hawk Road in 1980 and now there are about 32 residents. He has been looking for Hawk Road to be paved since 1980.

The Highway Superintendent stated this is about 2.2 miles and there would be culverts to change and he is estimating this cost at about \$300,000.00. He stated you never have a guarantee on how much money the Town of Fort Ann is going to receive from New York State. The money from New York State isn't received until April or May.

The Highway Superintendent stated there were a couple of minor issues brought forth by the dam inspection but they would have to get a couple of prices from local contractors because they are not things that the Highway Department should do. He said the dam is in beautiful shape according to Mark Brownstein that inspected the dam and whatever needs to be done

can wait until Spring. Supervisor Dumas mentioned it takes a while to get the report but she is going to make a note to email Mr. Brownstein.

Councilwoman Stark stated that Pilot Knob beach closed on Labor Day and the ropes came out the next day, Tuesday. The cones at the crosswalk did slow the traffic down by Camp Chingachgook and made it safer for the kids crossing. The Queen Ann Sr. Citizens have some trips planned and the information will be on the Town Hall bulletin board as well as the Town website. Councilwoman Stark stated she attended a Washington County Office for the Aging meeting in Whitehall today and has information to put on the Town Hall bulletin board. Councilwoman Stark thanked the Highway Department for their work on the trail. Councilwoman Stark stated there will be a Health Insurance/Wellness Expo at the Kingsbury Fire House on October 14, 2015.

Councilwoman Witherell stated the Emergency Plan should be out on the website. Councilwoman Witherell asked the Highway Superintendent about a Joe Green Road homeowner's concern that there is a road going in. The Highway Superintendent stated this is a dispute between two (2) neighbors and there is not road going in. Gravel has been removed and the ditch is clean.

Councilman Denison thanked the Town Board Members for getting the Blossom Farm cemetery issue resolved. Councilman Denison stated he needed to address some statements that were made at last month's Town Board meeting by Supervisor Dumas about him. "The statement made by Supervisor Dumas I've been very disappointed in his performance. He failed to fulfill his audit responsibility for over a year until I brought it to his attention this year. If one was to believe. That I have not done my audit responsibilities then you might ask this question to yourself. Someone who questions some of the claims (bills) and approves the payment of all the other claims. Which I have done many times. Is that not doing the required obligation of the positions of Town Board Councilman? I have no doubt that I have done a very good job in auditing the claims. I have looked at every claim. Questioned the one's I was not going to approve. As to the reference that I was not living up to my audit duty by not initialing the claims. There is nothing in town law that states one has to initial the claims. When the supervisor stated that when she asked me to initial the claims. I did so without argument. Just not to bring up another minor difference I had with how the board was run. As a point of interest, a former board member never signed or initial any claims in the years that he was on the board. It was never said that was a derelictions of his duties."

Supervisor Dumas thanked Councilman Denison.

The Enforcement Officer reported that he had 42 phone calls which was 14 more than last month and four (4) building permits. The majority of his phone calls are regarding setbacks, which are set by Washington County, and building permits. The majority of questions have to do with what is allowed in the Town of Fort Ann. Mark spoke of an abandoned building on Sly Pond that is considered a public safety issue. The owners are going to board up the doors and

windows so people can't get in. The owners are hoping that perhaps the West Fort Ann Fire Company can burn it down as part of their training. Councilman Varney asked him for a status on the Wilkins property. Mark said he would send Paul Wilkins a follow-up letter.

Virginia Parrott, Town Historian, stated she is objecting to the name Blossom Farm Cemetery. It's a mistake in the history book referring to it as Blossom Farm Cemetery. It should be East Westfield Old Burying Ground.

#### **RESOLUTION #76-15**

#### **APPROVING THE NAME EAST WESTFIELD OLD BURYING GROUND**

On motion of Councilman Varney, seconded by Supervisor Dumas to accept resolution entitled "Resolution Approving the Name East Westfield Old Burying Ground"

ADOPTED      AYES 5              Witherell, Denison, Varney, Stark, Dumas

**RESOLVED**, that having previously deemed the area to be a public cemetery without a formally name the burying grounds, the Town Board hereby formally and officially names the burying grounds the "East Westfield Old Burying Grounds."

Christine Milligan, Raymond W. Harvey Post 703 American Legion, distributed pamphlets "Exploring the Boundaries of the Battle of Fort Ann July 7-8, 1777" which was research based on a grant from the American Battlefield Protection Program. Christine read p. 117 from the Historical and Archeological Research: Battle of Fort Anne Grant # (GA-2287-13-012). "There is a potential and immediate threat to the Fort Anne Battlefield, specifically Battle Hill. A proposed granite and topsoil mine may directly and indirectly impact portions of the battlefield associated with both British and Continental positions. The mine may also impact a mass burial of those who died in the battle. In 2010 and 2011, archeological testing was conducted on portions of the battlefield (Oberon 2010, 2011). Archaeologists did not test approximately 50% of the area of impact due to slope >12 percent. Of the areas surveyed, testing consisted of shovel test pits. A small portion of Battle Hill was surveyed with a metal detector using equipment and methods that did not meet the standards proposed by professional metal detecting archaeologists. The historical data, spatial analysis, and research design presented in this report should help to develop an improved testing strategy to determine if there are any potential impacts from the granite and topsoil mine on the Fort Anne Battlefield.

This report presents an initial step in planning to preserve the landscape of the Fort Anne Battlefield by identifying and mapping the associated defining features. All of this information will aid in the determination of an overall preservation plan for the landscape associated with the Battle of Fort Anne. The landscape has multiple uses from urban development to agricultural fields and woods and each type of land use has affected the battlefield differently. Impacts from the development of villages such as Fort Ann and Whitehall have altered the landscape to fit the commercial and residential needs of recent populations. Transportation needs have reshaped the terrain of the valley's, ridges, and creeks near the Battle of Fort Anne

and altered the paths used by the combatants of the Battle of Fort Anne. Battle Hill, the focal point of the Fort Anne Battlefield remained relatively untouched since the time of the battle. It offers the best opportunity for future research, preservation, and public interpretation. The next step will be to evaluate integrity of these features more exactly in order to determine what remains intact and what has been disturbed. Taken as a whole, the gathered information will provide the groundwork for placing the Battle of Fort Anne on a path to preservation.

Joseph Loszynski, Project Manager, Lake Hadlock Park District distributed a three (3) page progress report that represented 8/11/15-9/3/15. (A complete report is on file with the Town Clerk if anyone would like a copy). He read some of the highlights of the report. The mechanical harvester program concluded its work on 9/3/15. It was a tremendously successful year in his opinion. The total weight of bio-mass vegetation collected this year was 64,640. This is over the double the amount collected last year. Included in this amount is 13,880 pounds of bio-mass that was collected by surface personnel, preventing this weed from dropping to the bottom of the lake and reseeding.

Total hours of surface operation of the harvester were 164.9 hours. This is almost four (4) times the hours spent on the water last year. Joe attributes this increase to extensive planning, more accountability, better monitoring of the harvester mechanically, and a “can do” attitude of most working the detail.

On a scientific front Joe reported that he met with Biologist Larry Eichler, Darren Water Institute conducted an extensive plant survey of the lake during August. He spent the entire day with Larry and another scientist while the survey was being conducted. Ninety points on the lake were tested for invasive and native plants. Joe is very happy to announce that there are only four (4) invasive species; Eurasian milfoil, water chestnut, curly leaf pond weed, and brittle naid, with milfoil being the most populated and dense. Larry rated the lake between good to excellent as to the composition of native plants. He indicated that the native plant population was conducive for a healthy fish population. The survey showed that the littoral zone ended at about 15 feet, and beyond that point, there was no discernible plant life to be concern with. The lakes water quality is superb, with water quality reaching as deep as 18 feet and CSLAP certifying our water as potable and trout compatible.

Mr. Loszynski wanted all the town taxpayers to know that the lake management plan is totally funded by Lake Hadlock Park District residents only – no other Town of Fort Ann residents pay for Lake Hadlock.

Old business: None

New business: Supervisor Dumas stated that a representative from NYS Deferred Compensation had been contacted by Town of Fort Ann employees about being interested in a deferred compensation program. The representative from NYS stated there is no minimum number of employees that have to participate and there is no expense to the Town of Fort Ann. Supervisor Dumas stated she found in a section in the Town Law Book today under Chapter 7

compensation and benefits. A resolution would have to be done at either a regular town board meeting or a special board meeting for employees to participate in a deferred compensation program and this would be a pre-tax deduction. New York State would issue the Town of Fort Ann an ID number to the Bookkeeper.

Supervisor Dumas received a letter from Washington County Real Property reminding her that the term of John Davis is due to expire on 9/30/15.

**RESOLUTION #77-15**

**REAPPOINTING A MEMBER TO THE BOARD OF ASSESSMENT REVIEW**

On motion of Supervisor Dumas, seconded by Councilman Varney to accept resolution entitled "Resolution Reappointing a Member to the Board of Assessment Review"

ADOPTED      AYES 5              Varney, Witherell, Denison, Stark, Dumas

**RESOLVED**, that Jack Davis is hereby reappointed as a Member of the Fort Ann Board of Assessment Review for a term extending from October 1, 2015 through September 30, 2020.

Correspondence: Supervisor Dumas referred to an 8/9/15 letter from Insurance Services Office, Inc. stating that they would be visiting Fort Ann and Fort Ann FPSA fire protection areas in Washington County within the coming weeks to gather information required to review the current insurance classification rating and to determine if the current rating is still applicable.

Supervisor Dumas received an invitation to Aqua Care Fair – New Technologies in Water Management for Lake and River Homes 9/19/15 11:00 a.m. – 3:00 p.m.

Supervisor Dumas stated that Virginia Parrott, Registrar of Vital Statistics and Records, handed her a report tonight from NYS Dept. of Health from 2012 and 2013 on the number of births and deaths in Fort Ann.

Supervisor Dumas received a brochure from Washington County to keep business local such as DMV.

Supervisor Dumas received a letter from Lawrence Marks, Chief Administrative Judge, stating that Section 2019-a of the Uniform Justice Court Act requires that town and village justices annually provide their court records and dockets to their respective town and village auditing boards, and that such records then be examined or audited and that fact be entered into the minutes of the board's proceedings.

Supervisor Dumas received a letter from Adirondack Park Local Government Review Board. She read the first paragraph of the letter: Adirondack town's and village's funding of the Adirondack Park Local Government Review Board has been instrumental in helping Adirondack communities by providing strong, unified, effective representation on important Adirondack Park policy issues like state land tax payments, the right to farm, protection of property rights

of pre-existing landowners, classification of state lands, and Adirondack Park Agency reform. The Review Board helps provide factual and legal research to legislators and policy makers and disseminates information through almost daily emails. A few examples are: Support and advocacy for an update of the Adirondack Park State Land Master Plan; Snowmobile trails; Aquatic Invasive Species Prevention Program. They are asking for a donation of \$300.00 and attached a resolution. To be discussed for possible consideration at the October Town Board meeting.

County Update: Supervisor Dumas spoke of the county being busy with the 2016 budget preparation.

Public Discussion was opened at 8:40 p.m.

Mr. LeRoy Harrison asked about the four (4) DRAFT proposal amendments for Fort Ann Fire and rescue contracts that was submitted to Supervisor Dumas and Attorney Meyer July 21, 2015. Mr. Harrison doesn't anticipate these having a negative financial impact. Councilwoman Witherell and Supervisor Dumas stated they remembered this coming up in discussions during the emergency planning meetings.

Don Ballard referred back to when Kevin Hayes, County Administrator, attended a Town Board meeting in the Spring and discussions were about workers' compensation costs. Supervisor Dumas told Mr. Ballard that she had his answer at home and he should contact her.

Public Discussion was closed at 8:50 p.m.

On motion of Councilwoman Witherell, seconded by Councilwoman Stark to adjourn at 8:51 p.m.

Motion was carried unanimously.

Total Abstracts:	General	\$17,287.50
	Highway	\$62,250.72
	Youth Commission	\$ 1,110.00

Respectively submitted,

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Barbara J. Winchell, Town Clerk

Dated: September 24, 2015