

**Town of Ancram
Public Gathering
August 21, 2008**

Supervisor Dias stated that the town board meeting was not going to take place. The meeting will be called a Town Gathering. The minutes of the meeting will not be official until a new appointed board is in place and the minutes can be approved. At this time Mr. Dias read the resignation letters from Councilmen James Bryant, Robert Podris and Gerald Roberts. Mr. Bryant resigned on August 18, 2008 with over 20 years in office; Mr. Roberts resigned on August 19, 2008 with 11 years in office; Mr. Podris resigned on August 20, 2008 with almost 30 years in office. There is at this time no quorum for the governmental body of Ancram and therefore no business can be conducted. The Association of Towns have been contacted as well as the Town Attorney, the County Seat and the Governor's office. At this time, the Association of Towns is defining the situation as a Doctrine of Impossibility. The Governor's office will accept a person to appoint to the Town Board. Mr. Dias gave the name of Fred Schneegberger. Mr. Dias is working with assemblyman Mollinaro's office through secretary David Johnson and at this time no progress will be made until tomorrow.

Mr. Dias stated that the board can hear presentations but he firmly stated that this is not an official meeting but an informational gathering. Nothing official can happen.

Mr. Dias stated that the Town Board was making headways. 26 open items were turned over to him when he took over the position. He feels that many difficult tasks have been brought before the board and they will continue to encourage Town involvement and input.

Ms. Suzanne Bressler asked who makes the suggestion for the appointment to the board. The Town Attorney stated that the town board has no majority at this time and that they cannot take legal action. This includes appointments. Once the governor makes the initial appointment then the board can appoint the other two. These three positions can then be voted on in the next election. The appointees will no longer hold office after 12/31/08. Mr. Dias stated that he has known Mr. Schneegberger for many years and that he has been previously on the planning board. Mr. Schneegberger stated that he will do the best he can. Mr. Dias stated that he likes contention. Mr. Eric Weiner asked how long the elected positions will last. The answer was that they will fill out the expired terms.

The Community Rescue Squad gave a presentation. The Town of Ancram has had 111 calls for 2008, 163 in 2007, and 172 in 2006. The average response time for the squad is 6.5 minutes for 89% of the calls. The major costs of the EMS are the labor, fuel, equipment, medication, insurance, billing and utilities. The squad has a loss for 2008 in the amount of \$56,370.64 for billable calls. The squad suggests a creation of a tax district. A tax levy would be created to pay the expenses of the service provided. Everyone in the district will pay for the service's. Mary Ann Roche asked why the Squad pays so much to have their billing done. Jeannie Scotty stated that it would be more

costly to have someone schooled to do this same task. Councilman MacArthur asked why the town does not have ECHO. Jeannie Scottie stated that she wanted all of the towns to go to ECHO. David Boice stated that he was told by dispatch that ECHO was not available for Ancram. Ms. Scottie asked why the firehouse had not called her.

Mr. Dias read a letter from Ancramdale resident Karen Dubrey. She stated that she lives by the existing garage and has no issues with it. She stated that there was little noise and that she raised her children in the home.

Mr. Jim Stickle was the spokesperson for the Highway Committee. The committee was answer the questions of the 29 people on the petition of those against the highway garage being located on Roche Lane. He stated that he has been with the committee from the beginning. The committee looked for buildings as well as properties. They also looked at all of the Highway garages in Columbia County as well as all but three in Dutchess County. He stated that they have a petition with 214 names asking the Town Board to put the referendum for the Highway Garage on the ballot. The Mathews property will include 10-12 acres. He stated that the former Town Board had 4 members look at this property over a year ago without advertising a meeting. At the Town Hall building 28% of the land is classified wetland. Mrs. Barbara Simons stated that she thought that there was a stipulation on the Town Hall land that a Highway Garage was not to be put in the location. The Committee stated that the Mathews property is “off the main road s, in a centralized location, has minimal surrounding properties, there is minimal site work and affords future expansion” .As for the 29 petitioners, the committee stated that it was a “misstatement that no one was spoken to in advance, many were at public committee meetings and also Town Board meetings. It was also presented as an update at Town Board meetings. All committee meetings were open to the public.” As for other alternatives, the committee suggested, “ Current Garage location may offer limited relief if \$\$’s are spent. Present Town Hall location will be visually impacted as to its setting and initial design with the addition of a highway garage and associated equipment and facilities. Limited space at Town Hall sue to DEC classified wetlands and buffer requirements. Blass Ball Field to small.” Question 6 stated that there were no commercially zoned sites in Town available. “Sub contracting Highway Garage tasks would require a prohibitively expensive \$\$’s” “Held discussion with Town of Copake” “Could not find a mutually agreeable location.” Committee investigated 10 locations: Dan Slott, Rothvoss, Carol Bryant, Char Peck, Short Hill Farms, Mark Read, Bryant Mines, Craig Dietz, Land across from Beaver Mtn. Farm and Town Hall Site. The committee stated that the typical cost of a garage are “\$120.00 a square foot.” The Mathews building is 140x70 with a second floor for a total of 11,480 square feet. The committee members were listed as follows: Chairperson John MacArthur, Carol Bryant, Terry Boyles, Perry Miller, Bob Mayhew, Fred Schneeberger Jr, Frank Martucci, Thomas Dias, Jim MacArthur, Rick Dubray and James Stickle.

Mr. Art Bassin made his presentation regarding the Comprehensive Plan Committee. He stated that the committee meets every week and are working on finalizing the strategies and action plans necessary to implement the 2030 Vision and Goals. They feel they are about a month away from having a workable draft of proposed strategies and action plans

and a draft Comp plan. Mr. Bassin stated that they had a resignation from member Jim Bryant. They are going to seek volunteers for this position through public notice and email.

Mr. Dias stated that he met with the parties involved with the Ancramdale Noise issue and they are making progress towards resolving some of the issues. He said a thank you to Anne Carrier, Nancy Bryant, Lisa Stickle and Annie Walyns-Jones.

Mr. Dias stated that the Cell Tower committee is working with Congresswoman Gillibrands office.

Mr. Dias stated that the Ancram Fire Department were told that they did an excellent job by Mr. Jim Vandusan.

Mr. Dias opened the gathering up to the floor for questions.

B. Doctor asked if a cost analysis has been done on the proposed Highway Garage. Mr. Stickle stated that the price the committee listed of \$750,000.00 does not include the needed overhead doors and a salt shed with canopy.

Mr. Jack Lindsay addressed the gathering. He first thanked all of the committee members for all of their hard work. He stated that he has served on many committees and that he has some questions. He stated that he called the state DA and was told that there is a general small municipal law issue that states “no municipal officer or employee shall have an interest in any contract with the municipality which he is an officer or employee.” Mr. Lindsay stated that this means “on a committee deciding an issue and you either through your personal occupation or through your participation in the committee is posed to even look like you could personally benefit from being on the committee and having participated in the decision, then you have to abscond yourself from any situation resulting in profit from the decision at the end. And the reason that I think a lot of people are up in arms is, Tom assured me that you all understand that, and that it is kind of a standard clause sort of thing, but it doesn’t occur in any minutes that you all have signed something saying that if this goes through that none of you can, that you all agree, can participate as construction people.” Mr. Bolyes stated “The Town Board has to make that decision.” Mr. Bob Mayhew stated, “We were asked to find the best location and the best price. If you want a letter signed fine but we were never given one.” Mr. Lindsay said, “I think it needs to be in the minutes because a lot of people are saying that you all are construction people of course you’re in favor of it because you’re gonna get a contract out of it.” Many of the committee members stated no [They would not profit from the Town Garage]. Mr. Lindsay stated that it needs to be in the minutes. Mr. Dias stated that it was a very good point. The committee asked for the attorneys comments. She stated, “You can put that in the minutes but there is no statement that they are required.” Mr. Lindsay stated, “There is no statement that they abscond themselves, NYS Law says that they are not eligible. I think that it would help the populous along if you would all agree to that. It would put a lot of peoples minds at rest.” Mr. Lindsay quoted, “ ‘Contracts are voided. Any contract willfully entered into by

or with the municipality in which it is an interest prohibited by the previously described description will be null in void and holy unenforceable.” Mr. Lindsay stated that Mr. Dias has a copy of the law. Mr. Lindsay said, “The three votes that resigned had voiced opinions against the recommendation brought forth. With the potential appointment of the gentleman mentioned earlier they have the ability to go ahead before the election and make a decision whether to approve this or not, with a quorum established with the proposed appointee. Again, conflict of interest should that appointee we’re recommending be on that committee as an appointee. Conflicts of interest operate on the appearance of a possibility of something bad happening not whether it would or not.” Mr. Bob Mayhew asked, “Where are you getting your information that all three are against it. If they were before we even presented it then they should have never been our Councilmen to start with.” He stated that he had spoken to one of the men personally and that he was neither for or against it. He stated that this person wanted time to go over the recommendation with the board. Mr. Lindsay stated that he thought that the resigning members had many unanswered questions. Mr. Terry Boyles stated that the three resigning members had visited the Mathews property a year before. He stated that it was illegal because they were supposed to have a public notice that they were going to look at it. Mr. Ron Brant said that the minutes should be looked at to see if the visit is in them. Mr. Boyles stated that it was not in the minutes and that the man who owns the property was surprised when the town looked at the property again because it had been looked at a year ago. Mr. Boyles stated that as a committee they did not know this. Donna Hoyt stated that the committee needs professionals on it. She stressed that they all live in the town. Mr. Dias stressed that the process of building a new town garage is a long one and that the people should not think that it will be done next week. The garage project will only happen if the town says it wants and needs it. Donna Hoyt asked if this would be on the ballot. Mr. Dias stated it would. Mr. Schneegburger stated that all of the committee members are tax payers. The town attorney stated that the action is subject to a permissive referendum on a motion by the Town Board. If there is no motion, it can be placed on the ballot by residents putting forth a petition.

Mr. Mike Citrin spoke. He thanked the committee for their hard work. He stated that on July 8 and August 11, 2008 his attorney submitted a FOIL request to the town for all information obtained by the Highway Garage Committee. He received a letter from the Town Clerk stating that when she received such documentation she would then forward it on to him. He asked if all of the committee members were for building a new Town Garage on the Mathews property. The committee stated unanimously yes. They did specify that member Carol Bryant left the board, Frank Martucci never came to the meetings and Jim MacArthur came to very few meetings. Mr. Mike Citrin stated that the committee made no budget and had no substantiation. Jim Miller stated that this was up to the Town Board. Mr. Citrin asked where the minutes of the committee are. Committee member Bob Mayhew stated that the committee had no money allotted them and therefore could not afford a secretary. Mr. Citrin asked where the breakdown of the figures are. Donna Hoyt stated that if Mr. Citrin has a problem with the recommendation that he should find a different location to put the building. Mr. Citrin stated that he had asked the Town Board to allow him to set up such a committee. Mr. Dias stated that this could be done when the regular Town Board meeting can be held. Mr. Citrin stated that

he had asked for two things, one was a resolution for a new committee and the second was a joint committee with the current Highway Committee. He stated that there was no advertisement for land, an assessment of how many sites were on State and County roads. Mr. Perry Miller stated that the committee members spoke to a realtor and there is no land. Highway Superintendent Jim MacArthur stated that there is some documentation available. He has prices on the costs of doors and a salt shed. He stated that many contractors will not give defiant prices due to rising costs. Mr. Terry Boyles asked Mr. Citrin where Mr. Coons was with his price. Mr. Citrin stated that he had not called him. Mr. Boyles stated that Mr. Conns said he had spoken to him. Mr. Ingram stated that the people were missing the point, that the committee was only giving a recommendation and that there will not be any finalized numbers until the Town Board proceeds and that this is just a best guess estimate.

Mr. Bill Grassi stated that the people are looking for costs like what it will take to improve the road; if heat can be put in the building without it having footings and a foundation (Mr. Mayhew stated yes); the overhead doors being only 8feet, what would headers cost. He stated that most highways garages have more then 2 doors. He stated that the town is proposing to pay for the most expensive land in Ancram.

Mr. Bob Mayhew stated that the town approved a petition signed by 29 voters, why not one with over 200. He wondered why the town is continuing to argue, put it to a vote.

Mr. Mike Citrin asked how long Roche Lane is. He stated that a Town Road must be 20feet wide. He also asked if Roche Drive needs to be repaired. Mr. Boyles stated that Roche Drive is partially paved and then turns to dirt. Mr. MacArthur had upgraded it recently.

Mr. Bassin asked how the Town Board will make the decision and what they will do to come to their decision. Mr. Dias stated that each member of the Town Board has one vote. Each member votes as an individual and votes their own mind. Mr. Bassin stated that they will go through due diligence. He asked which Town Board will make the decision, the tree members or the new elected members. Mr. Dias stated that when the governor calls in the morning, there will be three voting members. The Town Attorney stated that before any decision is made, there must be actual figures, then appraisers and specifications and then the board can adopt a resolution whether to proceed or not.

Mr. Eric Weiner stated that it is a financial concern no matter which decision is made. He asked for a estimate to the impact on taxes. Mr. Dias stated that this would have to be a bond brought to permissive referendum. Mr. Dias stated that he has spoken to the bank and they have stated it would be an \$80,000.00 payment once a year for 17 years. The Town Attorney stated it could be one referendum. Amy Dubray stated that all of the men on the committee are tax payers and they will have to pay for this bond as well.

Mr. Dias stated that when the town hears from the Governors office, a special meeting will be called.

Donna Hoyt asked if the tree members of the board will appoint the other two and where will these people come from. Mr. Dias stated that the board will appoint the members.

Mr. Leroy Mayhew asked who maintains Roche Drive. Mr. Jim MacArthur stated the town does.

Mr. Dias closed the gathering.

Respectfully submitted,

Monica Cleveland