

**Town of Ancram
Town Board
Regular Meeting
April 16, 2009**

Present:	Supervisor Thomas Dias	Councilman John MacArthur
	Councilman James Miller	Councilman Robert Mayhew
	Councilwoman Donna Hoyt	Clerk Monica Cleveland

Supervisor Dias called the regular board meeting to order at 7:04pm with a salute to the flag.

A motion was made by Councilman Miller and seconded by Councilman Mayhew to accept the previous meeting minutes as read. Motion carried.

Supervisor Dias read the following financial report:

General Checking:	\$23,782.48
General Savings:	\$942,055.19
T & A Checking:	\$37,105.83
Capital Equipment:	\$19,635.55
Capital Building:	\$102,165.77
Highway Savings:	\$51.22
Highway Checking:	\$23,747.19
CDBG:	\$1,000.00

Mr. Dias stated that there were two accounts that were overdrawn, the cemeteries account (8810.4) and the Hospital/Medical Insurance 9060.8. Mr. Dias also stated that there were four budget lines, Supervisor 1220.4, Buildings 1620.4, Unallocated Insurance 1910.4 and Garage 5132.4 that were getting low and needed to be looked at during the next workshop. Councilman MacArthur asked where the mowing contract money will be taken out of. Councilman Miller stated that he felt that the pool should of not been included in the bid for the mowing.

A motion was made by Councilwoman Hoyt and seconded by Councilman Miller to accept the financial report. Carried.

Old Business

Mr. Dias stated that he and Mr. Roth called the AT&T contact for the cell towers and that the contact will be out of the office until April 20, 2009.

Mr. Art Bassin gave the following update on the Comprehensive plan committee:

1. Comprehensive Plan Committee Activities --The Comp Plan Committee has circulated a Draft 7 Comp Plan, which was reviewed with the Town Board on 4/13 and will be reviewed at a public hearing on 4/25. Following the public hearing, the Committee will make additional revisions to the Plan as necessary, and present the draft Comprehensive Plan to the Town Board at the May Town Board meeting.

2. CDBG Activities -- The CDBG Project Team has spent the past few meetings working on an economic development plan for Ancram, and will focus next on the development of a “short term plan” which will recommend seeking additional grant funding to implement some of the ideas that have been developed during the past year.

3. Agriculture & Farmland Protection Plan (AFPP) – We have been notified that the contract for the Agriculture and Farmland Protection Plan Grant funding has been approved – we are now able to start using the \$25,000 grant. The AFPP Team met April 6 with Virginia Kasinki from the Glynwood Center, an agricultural research organization, who outlined how Glynwood’s programs may assist us in developing our Ag & Farmland Protection Plan.

4. Budget – Comp Plan related spending in March was about \$1000. Year-to-date we have spent approximately \$5700 of the \$16,500 full year budget.

Mr. Dias stressed that the Comprehensive board needs to come in “one the money or under target”.

Mr. Dias stated that the Town Board has decided to allow the public to ask questions after each item. Mr. Dias asked if anyone in the audience would like to ask a question of Mr. Basin.

A question was raised as to the meeting night of the Comp. Plan Committee. Mr. Bassin stated that the meetings are still held on Monday nights.

Mr. Ron Brant asked about the grant that the Comp. Plan has received and if it is a matching grant. Mr. Bassin stated that the town will have to match with \$8,300.00. This, he stated will be used for zoning revisions. Mr. Dias stated that this was appropriate. He stated that he was frustrated with the fact that the town was unable to do anything for the Sommerhoff Farm and the fact that they could no longer continue milking. Mr. Dias stressed that the town has to continue to promote agriculture. Mr. Dias stated though that the town has no authority over the state mandates and laws.

Mr. Dias stated that the Town Board has copies of the Building Department Report for the month of March. Mr. Dias stated that the department has issued their first driveway permit.

Mr. Dias stated that the typo in the Community Rescue Squad Contract has not been fixed and that he is still waiting for a final copy. The issue of the \$193.00 brought up a previous meeting has been resolved. Mr. Dias made a motion seconded by Councilman Mayhew to allow the corrected contract to be signed when it arrives. Carried.

A motion was made by Supervisor Dias and seconded by Councilwoman Hoyt to adopt Local Law #1 of 2009: Creation of an Animal Control Officer. Motion carried. Town Clerk Cleveland will fill out the appropriate paperwork and send the draft to the State.

Mr. Dias stated that the Building Inspector would like the authority to issue citations to those not in compliance with the zoning and building regulations. Attorney Jason Shaw stated that he thought the Town Board had passed a law in the past that covered this.

Clerk Monica Cleveland will research this. Mr. Sonny Kells asked if the town was going to do anything about the buildings located in the hamlet of Ancram that are falling down. Councilwoman Hoyt stated that she owns one of the buildings and that she was given the estimate of \$20,000.00 to take the building down. If the town condemns the building, Mrs. Hoyt stated that the town will then be responsible for taking them down. Councilman MacArthur stated that the Tin Smith house was not in bad condition. Mrs. Hoyt stated that the Steele house is not owned by Mr. Steele but that the APG has decided to take down the back portion of the building and paint it. Mary Boice, the Assessors clerk, state that the paperwork had come through and the deed to the building is in Mr. Steele's name.

Mr. Terry Boyles stated that he built his home seven years ago and that he has yet to receive a CO. He has spent close to \$250.00 to get a CO of the pool which he insisted was built at the same time as the house. Mr. Dias feels that this was an error on the towns part and that he would like Mr. Boyles to write all of this down and speak to him with the current building inspector.

Mrs. Jane Boyles asked if the town had received back the \$11,000.00. Mrs. Hoyt stated that it had been credited back to the town.

New Business

Mr. Dias stated that the Town Board will be having their workshops on the first Monday of the month at 8:00pm beginning in May.

A motion was made by Supervisor Dias and seconded by Councilwoman Hoyt to consolidate the bank accounts having only a General Checking, a General Savings and a CDBG account. Motion carried.

The Town Board asked Mr. Ken Legget's opinion on the appraisal, done by Hubbell Realty Services and funded by the ACC, of the Matthews Property that is being considered by the town board as a location of the Town Highway Department. Mr. Legget stated that the appraisal seemed a little low to him. He suggested that the town have their own appraisal done for comparison. Mr. Dias thanked the ACC for having this appraisal done. Councilman MacArthur asked when the appraiser had visited the site. Councilman Mayhew stated that he hadn't and that the appraisal was based on assumptions and not looking at the property. Town Attorney Jason Shaw stated that the appraisal was reading material and does nothing for the town process of purchasing real property. The town, he stated, is still required to have its own appraisal done and this town appraisal will be the town record on whether the property will be purchased or not. Councilwoman Mayhew stated that she felt that the larger properties are severely under assessed. She asked Mr. Legget if he felt that the town should revaluation again or if he could do an in house revaluation. She stated that she felt this was necessary. Mr. Legget stated that he would get her some figures for each of these. Councilman Mayhew asked about the issue of the town line for Mr. Boyles and the town of Gallatin. Mr. Legget stated that there is nothing more he can do and that it is in Terry's hands.

A motion was made by Supervisor Dias and seconded by Councilwoman Hoyt to make Budget Amendment #5 of 2009 allowing the transfer of \$20,000.00 from account #5110.4 General Repairs to account #5130.4 Machinery. Motion carried.

Supervisor Dias made a motion to make Budget Amendment #6 of 2009 allowing \$5,000.00 to be moved from account #1990.4 Contingent to account #8810.4 Cemeteries. Councilman MacArthur asked what the money was for. Supervisor Dias stated that it was for the upkeep of plots in the town cemetery. Mr. MacArthur could not understand why the town would have to allocate money for this. Mrs. Clara VanTassel, Town Historian, stated that the money is for perpetual care. She stated that the town cares for the plots of persons unable to pay to be buried. She stated that the \$2,000.00 a year the town pays is far less than the upkeep if the cemetery is abandoned and the town is then required to take it over. Mr. Dias stated that he will have a representative from the cemetery committee at the next workshop.

A motion was made by Councilman Mayhew and seconded by Councilman Miller to approve Resolution #15 of 2009. Motion carried.

RESOLUTION #15 OF 2009 ESTABLISHING RULES AND REGULATIONS FOR PUBLIC ACCESS TO RECORDS OF THE TOWN OF ANCRAM

WHEREAS, the New York Public Officers Law, Article 6, the Freedom of Information Law, governs public access to records of governmental agencies, including towns and other municipalities in the State of New York; and

WHEREAS, section 87 of the Public Officers Law requires municipalities to adopt rules and regulations regarding records access that are in conformity with Article 6 of the Public Officers Law;

NOW, THEREFORE BE IT RESOLVED, that the Town of Ancram adopts the following rules and regulations pertaining to access to records maintained by the Town:

1. PURPOSE AND SCOPE

- a. The peoples rights to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy of confidentiality.
- b. These regulations provide information concerning the procedures by which records may be obtained.
- c. Personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law.
- d. Any conflicts among laws governing public access to records shall be constructed in favor of the widest possible availability of public records.

2. DESIGNATION OF RECORDS ACCESS OFFICER

- a. The Ancram Town Board is responsible for insuring compliance with the regulations herein, and designates the Ancram Town Clerk as the records access officer.
- b. The records access officer is responsible for insuring appropriate agency response to public requests for access to records. The designation of a records access officer shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so.

The records access officer shall insure that the Town:

- i. Maintain an up-to-date subject matter list.
- ii. Assist persons seeking records to identify records sought, if necessary, and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.
- iii. Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.
- iv. Upon locating the records, take one of the following actions:
 - (1) Make records available for inspection; or
 - (2) Deny access to the records in whole or in part and explain in writing the reasons therefore.
- v. Upon request for copies of records:
 - (1) Make a copy available upon payment or offer to pay established fees, if any, in accordance with Section 8; or,
 - (2) Permit the requester to copy those records.
- vi. Upon request, certify that a record is a true copy; and
- vii. Upon failure to locate records, certify that;
 - (1) The Town of Ancram is not the custodian for such records, or
 - (2) The records of which the Town of Ancram is a custodian cannot be found after diligent search.

3. LOCATION

Records shall be available for public inspection and copying at:
The Ancram Town Hall
1416 County route 7
Ancram New York 12502

4. HOURS FOR PUBLIC INSPECTION

requests for public access to records shall be accepted and records produced during all hours the Town Clerks Office is regularly open for business.

5. REQUESTS FOR PUBLIC ACCESS TO RECORDS

- a. A written request may be required, but oral requests may be accepted when records are readily available.
- b. If records are maintained on the internet, the requester shall be informed that the records are accessible via the internet and in printed form either on paper or other information storage medium.

- c. A response shall be given within five business days of receipt of a request by:
- i. informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;
 - ii. granting or denying access to records in whole or in part;
 - iii. acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty business days after the date of the acknowledgement, or if it is known that circumstances prevent disclosure within twenty business days from the date of such acknowledgement, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part; or,
 - iv. if the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within twenty business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty business days of such acknowledgement specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request will be granted in whole or in part.
- d. In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the agency, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.
- e. A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an officer or employee:
- i. fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five business days of the receipt of a request;
 - ii. acknowledge the receipt within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;
 - iii. furnishes an acknowledgement of the receipt of a request within five business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request.
 - iv. fails to respond to a request within a reasonable time after the approximate date given or within twenty business days after the date of the acknowledgement of the receipt of a request.

- v. determines to grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request, but fails to do so, unless the agency provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;
- vi. does not grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part; or
- vii. responds to a request, stating that more than twenty business days is needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

6. SUBJECT MATTER LIST

- a. The records access officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to subdivision two of Section eighty-seven of the Public Officers Law.
- b. The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.
- c. The subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list.

7. DENIAL OF ACCESS TO RECORDS

- a. Denial of access to records shall be in writing stating the reason therefore and advising the requester of the right to appeal to the individual or body established to determine appeals, which shall be identified by name, title, business address and business phone number.
- b. If requested records are not provided promptly, as required in Section 5 of these regulations, such failure shall also be deemed a denial of access.
- c. The Ancram Town Board, 1416 County route 7, Ancram, NY12502 shall determine appeals regarding denial of access to records under the Freedom of Information Law.
- d. Any person denied access to records may appeal within thirty days of a denial.
- e. The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:
 - i. the date and location of request for records;
 - ii. a description, to the extent possible, of the records that were denied; and
 - iii. the name and return address of the person denied access.
- f. A failure to determine an appeal within ten business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.

g. The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government/Department of State
1 Commerce Plaza
99 Washington Avenue
Albany NY 12231

h. The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth subdivision (f) of this section.

8. FEES

a. There shall be no charge for:

- i. inspection of records;
- ii. search for records; or
- ii. any certification pursuant to this part.

b. Copies of fewer than ten, regular sized documents may be provided without charging a fee.

c. Fees for copies may be charged provided that:

- i. the fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches.
- ii. the fee for copies of records that cannot be copied at the Ancram Town Hall because of the size or quality of the records or the volume to be copied shall be the actual reproduction incurred by the Town.

9. PUBLIC NOTICE

A notice containing the title or name and business address of the records access officers and appeals person or body and the location where records can be seen or copies shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

10. SEVERABILITY

If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

WHEREUPON, this resolution was declared adopted by the Town Board of the Town of Ancram.

Councilwoman Hoyt asked that the Town Board look into passing a resolution allowing for an exception on property taxes for Cold War Veterans. The Board agreed to look into this.

A motion was made by Supervisor Dias and seconded by Councilwoman Hoyt to allow \$1,000 to be taken out of the general account and placed into 6772.4, Senior Commission. Motion carried.

Councilman Mayhew stated that the town has received \$2,105.73 for ice storm money. Councilman Miller stated that the town may still receive FEMA money.

Councilman Mayhew asked the Town Attorney about the Town Churches being exempt from paying taxes on their parsonages. Mr. Shaw stated that the State Law says that if the property owned by the church, such as the parsonage, is being used to house the pastor or someone who is working for or benefiting the church, then they (the Church) does not have to pay property taxes on the parcel.

Mr. Perry Miller stated that he still does not have a CO for the structure that he built in 2001.

Mr. Dias read a letter from the Town Court to the Town Board that stated that the court will be extending their hours on the 3rd Wednesdays of the month to include hours of operation of 2 to 4 pm.

The Court Clerk Ruth Wittlinger informed through a letter that she has asked Colleen Lutz to be her deputy Court Clerk.

Mr. Perry Miller asked if the Fire District would be paying property taxes on the building that they purchased next to the Fire House. At this time it is being used for storage and will be renting the top portion out as a deli to raise money to take the building down. Mr. Dias stated that the building will not be taxed as of March 1st but that next year it will go back on the tax rolls. Mr. Terry Boyles stated that he understood that the assessor may charge them taxes on the half of the building being rented out but not on the half being used for storage. Mr. Boyles stated that he did not understand how this was so. Mr. Dias stated that this was Mr. Leggits decision. Councilwoman Hoyt suggested that the Fire District Grieve to the Grievance Board next year. Mr. Boyles stated that the town would be taxing a town entity. Mrs. Hoyt stated that it will be a commercial entity making a profit.

Councilwoman Hoyt drew the boards attention to a list she was given that compares amounts of taxes paid per parcel compared to other towns in Columbia County. Ancram's is one of the highest. She stated that she would like to see the data that the Comp. Plan came up with for the town taxes per parcel. Councilman Miller stated that the Copake number is so low because they have many more parcels then Ancram. Mr. Shaw stated that the towns each have different school districts as well.

Councilman MacArthur would like the Town Board to address the issue of parking on the roads in Boston Corners.

Councilman MacArthur asked why the board is paying interest on the Central Hudson Bills. Clerk Monica Cleveland stated that the bills come after the meeting and that in the past the company has waved the interest, it has not happened lately due to the fact that the meeting date has been changed. Councilman MacArthur asked that the utility bills be paid when they come in. Clerk Cleveland stated that she will try her best but that she has a hard time getting checks reissued for voided checks and wondered if asking the accountant for checks between meetings will be sufficient. Councilman MacArthur also asked about the bill for the Town of Copake. Mr. Dias stated that this was the towns share in the cost for fuel for the Town Deputy. Mr. Mayhew did not understand why the town had to pay for the gas for a county deputy and why this did not come from county taxes. Mr. MacArthur stated that the town provided him with an office and that this should be sufficient. Mr. Dias pulled the bill from the warrant and stated that he would speak to Copake.

A motion was made by Supervisor Dias and seconded by Councilman MacArthur to pay the bills. Motion carried.

Mr. Nickerson asked the board if they had purchased a new town dump truck. Mr. Dias stated that the town did buy an OshKosh truck from the Town of Pleasant Valley but had not purchased a new dump truck.

Mr. Terry Boyles stated that he is getting nowhere with the issue he is still having with his property being in both the towns of Ancram and Gallatin. He stated that he resident now is living in the town of Gallatin and that he fears that this will change the school district. Mr. Dias stated that he will speak with the County Lawyer about this issue. Mr. Boyles stated that the Town of Ancram is losing revenue.

A motion was made by Supervisor Dias and seconded by Councilwoman Hoyt to contract Conkra Appraisals to do an appraisal of the Mathews property on Roche Lane at a cost of \$900.00. Motion carried with on abstention, Councilman MacArthur.

Mrs. Hoyt stated that she has not looked at the ACC appraisal but that if it is correct that the building with ten acres of land is worth \$250,000.00 and is assessed for much more, then there is a serious problem with the assessments in her opinion.

Mr. Dias stated that he has been in contact with the census department and that beginning April 30th they will be contacting random addresses only. The census will take place in 2010.

A motion was made by Councilwoman Hoyt and seconded by Councilman Miller to adjourn the meeting. Motion carried.

Respectfully submitted,

Monica Cleveland, Town Clerk