

**Town of Ancram  
Town Board  
Regular Meeting  
August 21, 2014**

**Present:** Supervisor Arthur Bassin                      Councilman James Miller  
                 Councilman Hugh Clark                      Councilwoman Madeline Israel  
                 Town Clerk Monica Cleveland              Highway Superintendent James MacArthur

Supervisor Arthur Bassin called the regular meeting of the Ancram Town Board to order at 7:08 pm with a salute to the flag.

Mr. Bassin introduced Jeff Aiken), the Rail Trail Project Manager, to give an overview of the current status of the work to be done linking the Millerton stop with the Boston Corners stop. He stated that this portion, Phase IV, is complicated because it straddles two counties. There will be a total of eight miles to connect the two pieces. It was explained that after the railroad was closed in the seventies, the wildlife moved in. Beavers have plugged up the culverts, creating wetlands. Of Phase IV, #3 which connects Rudd Pond to White House Crossing, will be a gravel path with only a width of approximately 5 to 6 feet. This will cut down on the footprint through the wetlands. Mr. Bassin asked when this would be open. A construction date has been set for 2017 and the project will be worked on through the calendar year, preferably breaking ground in the spring and completing in the fall. Once completed that Rail Trail will be 46 miles long and span from Wassaic to Chatham.

At this time Mr. Bassin asked the Town Board members if there was any business listed on the agenda that they felt they would need to recuse themselves from. There was not.

A motion was made by Councilwoman Israel and seconded by Councilman Clark to approve the minutes of the July 17, 2014 meeting as read with one spelling error. Motion carried.

**Fire Chief**

Mr. David Boice stated that the department had been very busy with car accidents and the wind blowing trees on wires. He announced that the Lobster and Beef BBQ will be coming up soon as well as their yearly fund drive.

The Town Pool will be closing August 30, 2014. Next week the pool will be open from noon to 6pm.

Mr. Bassin introduced Anne Rader and Dr. Tina Aiken to discuss the proposal of a Puppy Mill and Tethering Law. Mrs. Rader summarized what the puppy mill law would do. She said that the NYS dog breeder law is very general and that recently the state has enacted a new law which would allow municipalities to draw up their own laws to oversee breeders. Mrs. Rader felt that the NYS law made it too difficult to prosecute. She also stated that the tethering law in NYS is very general and that 24 states have

a firmer law. Dr. Tina Aiken stated that she supported the town passing their own puppy mill and tethering laws. Ancram Animal Control Officer Wes Powell agreed that the State law does at times seem vague but that the Montgomery County incident that Mrs. Rader cited should have been called into the SPCA and was not handled properly. He agreed that the Tethering law should be a state law and that as it stands right now, the only way to oversee the tethering is in a case by case situation of cruelty. Barbara Gaba asked if there was a problem here in Ancram to make the Town Board want to pass these laws. Mrs. Rader stated she felt there was. Mr. Bassin felt that if there was an enforcement issue in NYS under the State laws, then how would Ancram be able to enforce a local law without great expense. Dr. Aiken suggested that the Puppy Mill law should be a set of standards with minimum requirements. Mr. Bassin said that the town had a problem with enforcing a barking dog law that cost the town tens of thousands of dollars. He questioned how the town would enforce these laws without spending a lot of money. Donna Hoyt felt that tethering is a grey area and would deal with peoples personal possessions. Mr. Powell stated that there was a case at the state regarding tethering horses and that although a serious issue, was thrown out of court. He stated that it was a fine line not to allow people to tie up their dogs. He cited another case where a neighbor turned in another neighbor for leaving a dog tied out during the day. It was thrown out when the owner proved that a family member was taking the dog out during a lunch break for a 2 hour walk. Mrs. Rader stated that there is no standard for chain size, housing, etc. Mr. Bassin stated that the town has a hard time enforcing the dog licensing law. He did not see the reasoning behind adding two more laws to enforce. He suggested tabling it and bringing it back in 2015 for discussion.

Councilman Clark felt that there was no time this fall to look at these issues. Mr. Clark looked at the puppy mill as an issue of shelter, genetics and socialization. He felt that the only item the town can look at is the shelter issue. On the tethering law Mr. Hugh stated that while he agrees that 24 hour tethering is bad he feels that totally outlawing it is not the answer either. He felt when it came to this law, the town would need to set certain limits. He looked at other town laws in this respect and saw that they were all over the board. He urged the town to identify the standards.

Mr. Powell also spoke to the town about a BAS program that worked hand in hand with the town website that his other towns are looking to purchase this program as a group. The cost would be \$850 a town as a start up with a smaller amount as a yearly update. The program would allow Mr. Powell to look up animals at night or the weekends by the tag number. Also, it would have the town's animal laws available to him. Mr. Bassin asked for more information and expressed the opinion that there are not enough dogs licensed in Ancram to justify the money.

## **Supervisors Report**

### **Town Issues**

**1. Financial Report** - We ended June with \$1,142,000 in the bank, and pretty much on target in terms of revenues and expenses against the 2014 budget. By year end, if we do not prepay the outstanding balance of the garage loan, we should have about \$800,000 in the bank reserves. If we do prepay the full \$280,000 remaining balance of the loan, we should end up with about \$560,000 in the bank. I will be recommending at the 8/21 TB meeting that we prepay the garage loan in September. We are paying

2.99% on the loan, and are earning .3% in interest on money in the bank. By prepaying we will save a total of \$25,000 in interest over the next 6 years.

**2. 2015 Budget** – Based on reviewing the 2015 Tentative Budget with each of you individually, I have made some minor changes, and assuming you agree on the prepayment of the garage loan, have eliminated the 47,000 principal and interest payment from the 2015 budget, and have added it back to the contingent account to replenish our financial reserves. The 2015 Tentative budget shows flat town taxes again in 2015. This will be the fifth year of flat or lower town property taxes. 2015 highway and general fund spending are flat to 2014, with non-tax revenues also flat to slightly higher than 2014.

**3. Legislative Calendar** – We have a lot coming up over the next few months that will require public hearings and Town Board action – the Unsafe Building Law, the 414 Issue, the right to farm law, the 2015 Budget, the integrated zoning law, the new subdivision law and the puppy mill/dog chaining issue. We should talk on Thursday about what we can defer into early 2015 so we do not get too much on the plate all at once.

### **County Issues**

**1. Airport & Pine Haven** – Nothing new of substance to report.

**2. Insurance** – The County decided last week to move its property and liability insurance to NYMIR through the Fingar Agency. Fingar/NYMIR was slightly less expensive overall and substantially less expensive for Pine Haven insurance than Houston Casualty, but Houston was about \$100,000 less expensive overall excluding Pine Haven. If we sell Pine Haven, Fingar/NYMIR will be \$100,000 a year more expensive than Houston, and the County will reopen the bidding at that time to seek a lower cost.

The County also last week decided to self-insure its health insurance program through MVP. MVP was the least expensive bidder for the administrative services contract when we took into account the administrative services fee charged, the cost of stop loss insurance and the provider discounts available through MVP. The County currently uses MVP health insurance, so the transition should be less disruptive for staff, and the provider network will stay the same, which the County's unions were supportive of.

Mrs. Donna Hoyt asked if Mr. Bassin had inquired at the County about the 6-10% federal surcharge on the electric bills. Mr. Bassin stated that Didi Barret and Chris Gibson are working on this and that it is a federal issue.

Mr. Bassin spoke about prepaying the garage loan. If the town board does not pre-pay it then there will be \$800,000 in cash in the bank for the town reserves at the end of the year. If the town board does choose to pre-pay it then the town will end the year with \$560,000 in cash reserves for the year. The town would save about \$25,000 in interest on the loan over the next 6 years by pre-paying it. The loan payment and interest amount of about 48,000 a year will be moved to the contingent account for budgeting purposes, to rebuild town reserves.

Mr. Jack Seiber read a statement on behalf of the FAC regarding the town board and supervisor. He stated that the people of the Town Board had done a great job over the past few years and had not had a raise in their salary for five years. He listed all the items the town board had overseen including the Comp plan, the ZRC, the building of the Town Garage and the passing of several laws just to name a few. And, the FAC cited, they did all of these while keeping the town's taxes level. Because of all of these items, the FAC supports the town board having a raise in salary this year. Donna Hoyt asked if the Planning Board gets a salary. Mr. Bassin said that the only other board who get paid are the Board of Assessment Review and that it is \$100 for the day. While Mr. Bassin said thank you for the sentiments from the FAC, he felt that the Town Board did not wish to have a raise at this time.

At this time, the Town Clerk handed the tentative 2015 budget to the town board members.

A motion was made by Councilman Miller and seconded by Councilman Clark to set a public hearing for September 18, 2014 at 6:30pm for the Tentative 2015 Budget. Motion carried.

### **Highway**

Mr. MacArthur stated that the summer work is done and that the department is now returning the favor to other towns and helping them with their summer work. County Route 7 from the Town Hall towards Copake will be closed sometime in the next few weeks for repairs. Mr. MacArthur also announced that he had heard that Patchin's Mill Bridge on the way to Pine Plains via Hoffman's Rd will become closed for 2 to 3 years for repairs in the coming months.

Mrs. Hoyt questioned the water issue at the Gerald Wheeler property at the end of Town Road. Mr. Bassin stated that he had met with them. At this time, the problem is under the jurisdiction of the Army Corps of Engineers and that they do not think there is anything they can do. The town can do nothing because it does not affect Town Road.

A question was raised about the drop of the shoulder on the edge of County Route 7. Mr. Bassin will contact the County.

Mrs. Leah Wilcox asked about Fog Lines on Pulver Road. Mr. MacArthur stated that this road was a Town of Northeast Road and that they are going to stripe it and put in shoulders but that they have been held back by the rain.

Ms. Bonnie Hundt asked about the highway department needing a new \$80,000 tractor. Mr. MacArthur stated that the one the town has is 10 years old and is being patched.

Councilman Clark asked about the truck that the Highway Supervisor had sold. Mr. MacArthur stated that this was one of the used trucks that the department had sold and that it was costing too much to continue to fix.

### **Town Clerk**

The Town Clerk stated that she will be beginning a records management program.

### **Town Court**

The Town Court continues with their records management project.

### **Planning Board**

The Planning Board is working on one project on East Ancram Road.

### **Ethics**

The Ethics had had one question from the town board about how to go about voting on a budget that included their own raises, if they choose to do that. The Ethics Board stated that they were allowed through the Town Law to do so.

### **Youth Commission**

The Youth Commission had a successful trip to the Zoom Flume with 60+ people and two buses.

### **Communications**

The Communications committee has mailed out the Ancram Scenic brochure.

### **CAC**

The CAC will hold a presentation on the Natural Resources on September 20, 2014.

### **Ag Council**

The Ag Council will propose a right to farm law in 2015.

### **Building Manager**

The parking lot at the Town Hall has been sealed and stripped. The generator has also had a major & expensive repair.

### **ZRC**

Councilman Clark presented the Consolidated Zoning Law to the Town Board with the following statement.

**The Task:** The Zoning Revisions Committee (ZRC) was appointed to "bring the Town's zoning and subdivision laws into alignment with the Comprehensive Plan" and to "identify all town laws pertaining to land use and consolidate them in a single Land Use Laws document."

**The Plan:** As reported to the Town Board on 14 April 2010, the ZRC planned to revise the 1972 Zoning Ordinance section by section and, as appropriate, submit several sections together as packages for Town Board action. After all sections had been revised and adopted as individual amendments to the ordinance, the complete compendium of revisions would be organized, edited, and submitted for adoption as a single, coherent local law. Subsequently, the subdivision regulations would be reviewed and updated to be consistent with the local law.

**The Result:** Working in tandem with consultant Nan Stolzenburg, the ZRC implemented that plan: Five packages of zoning amendments were recommended, received extensive public hearings, and were adopted by the Town Board:

Package 1 (Sections I, VII, VIII, IX, X, XI, XII) was adopted on 21 July 2011.  
Package 2 (Sections V (I), XIII) was adopted on 20 October 2011.  
Package 3 (Sections II, III, IV (B), IV (I), V (J), VI) was adopted on 20 September 2012  
and 18 October 2012.  
Package 4 (Sections IV, V, V (J)(10), XII) was adopted on 21 February 2013.  
Package 5 (Section V (H)) was adopted on 19 June 2014.

**Current Project:** Now, all adopted amendments have been consolidated and reconfigured into a single, coherent local law, which is attached as a PDF document.

Also attached is a Word version of the law, with most text edits highlighted in yellow.

**Why a Local Law?** In March 2011, John Lyons explained the need to trace all municipal land use regulations back to either the NYS Town Law or to Section 10 of the NYS Municipal Home Rule Law. Municipal laws pursuant to NYS Town Law are commonly called ordinances; those pursuant to NYS Home Rule Law are local laws. The latter constitute a broader, general grant of authority for municipalities to protect community welfare. Most zoning laws used to be ordinances. Now, most are local laws.

**Improvements:** During the consolidation, numerous “user friendly” adjustments were made to improve the coherence, continuity, and clarity of the text:

\*Sections were reorganized and re-numbered to improve their logical “flow.” For example, articles dealing with administration and management of zoning now appear in the sequence normally encountered by most citizens—first “Administration and Enforcement” by the Building Department, then the “Planning Board,” potentially followed by the “Zoning Board of Appeals.”

\*A detailed Table of Contents that identifies features addressed in each article, with corresponding page numbers, now opens the law to facilitate quick identification and location of land use topics.

\*Article V was reorganized to first identify supplemental regulations that apply to all districts and also to list those regulations alphabetically for easier reference and access. Following regulations that apply to all districts are those that apply to certain specific districts. Then, at the end of Article V is now a complete alphabetical list of individual standards for selected uses, which also aids easier access and use.

\*An article specifically devoted to Special Use Permit procedures and information has now been created to aid quick reference and use.

\*Responding to Planning Board and other requests, edits have been made to clarify text without altering the intent of the adopted amendments. For example, a readers’ aid box has been inserted to illustrate how to calculate adjusted density and another edit addresses projections into yards for septic systems when lot dimensions prevent normal setbacks.

\*Other minor edits ensure compatibility with New York State laws, such as the NYS Ag & Markets Law about height of agricultural structures and agricultural noises.

\*In addition, numerous cross-references have been inserted throughout the text to facilitate quick, easy research about related topics and guidance.

**Admin Notes:** Because reconfiguration of adopted amendments into a local law is essentially an administrative project that does not significantly alter the intent or content of adopted amendments, I did not convene the ZRC to review this proposal. This consolidation was accomplished by Nan Stolzenburg and me.

Also, although much content of the adopted amendments was already reviewed by John Lyons and reflects his advice, Mr. Lyons has not yet reviewed this proposed local law in its unified, consolidated form. After the Town Board has signaled its comfort with this proposal, Nan and I recommend that it be passed to John Lyons for final review of its legal sufficiency before adoption.

Although Nan and I tried to ensure that font size, boldness, indentations, and other niceties of document lay-out were done well, the computer did not cooperate in all instances. Most notably, the list of selected uses at Article V (D) in the PDF Table of Contents should not be in bold type and large font. That will be fixed.

**Recommended Action:** I recommend that the Town Board—  
accept this proposed local law;  
schedule a public hearing;  
obtain a legal review from John Lyons;  
provide an opportunity for Columbia County Planning Board review;

complete SEQR;  
and adopt this Local Law.

A Public Hearing will be held at 6 pm prior to the September town board meeting. Motion to that effect made by Ms. Israel, second by Mr. Miller, and unanimously passed.

### Grants

Mr. Fultz stated that there is a USDA 504 program for low income members of the community to help them renovate their homes. The loans will be for 20 years and will have a 1% interest rate.

Mr. Bassin stated that the Board has to advertise this year for bids for the snow plowing at the town hall building. Mr. Bassin said that some town board members would like to see the Highway Department do the plowing and asked Mr. MacArthur his opinion on this. Mr. MacArthur stated that he does not have enough help. He stated that in Copake they have 7 men as to Ancram having 4. He said that it takes 4 hours to do one round of the town roads. The Town Hall would not be a priority. Mr. MacArthur will come up with estimates to compare to the bids. He would have to do the parking lot with a pick up. Councilwoman Israel stated that she would like to see it stay as it is. She was concerned that David would not do the pool if this was not a package. Councilman Clark stated that he feels it is rational to contract it out and did not feel it would save the town money.

Mr. Bassin made a motion to hold a public hearing on the proposed 414 law to allow the county to itemize the library tax on the property tax bill if it passes prior at the next town board meeting. Seconded by Mr. Clark, unanimously passed.

Mrs. Wilcox asked about the selling of the truck without town board approval. Mr. MacArthur stated that he had gotten a great deal, so he went ahead with it before it fell through. Mrs. Wilcox asked if an Emergency Meeting could have been called to approve this. Mr. Bassin said it could have been if we had known about the need.

The following resolution was offered by Councilwoman Israel and seconded by Councilman Clark and moved for adoption by roll call vote. Motion carried unanimously.

**Resolution #12 of 2014: Appoint employee relations attorney:** Whereas the town of Ancram from time to time requires legal advice related to matters affecting its employees, and whereas employment law is a specialized area, therefore it is resolved that the Town Board of the Town of Ancram authorizes the Town Supervisor to retain the firm of Towne, Ryan & Partners of Albany NY, P.C. to serve as the employee relations attorney for the Town.

The following resolution was offered by Councilwoman Israel and seconded by Councilman Clark and moved for adoption by roll call vote. Motion carried unanimously.

**Resolution #13 of 2014: Sell surplus dump truck:** Whereas the Highway Superintendent determined that the Highway Department had one more dump truck than it needs, and whereas the Highway Superintendent determined that this truck was surplus, and sold it for \$8000, therefore it resolved that the

dump truck sold was surplus and the Highway superintendent was authorized to have sold it, and it is further resolved that in the future, the Highway Superintendent will notify the Town Board prior to declaring equipment surplus and will secure prior Town Board approval for the disposal of any surplus equipment.

The following resolution was offered by Councilman Clark and seconded by Councilman Miller and moved for adoption by roll call vote. Motion carried unanimously.

**Resolution #14 of 2014: Prepay garage loan:** Whereas the Town of Ancram has a \$280,000 outstanding balance on the original \$450,000 ten year garage loan taken out in 2010, and whereas the interest rate on this loan is 2.99%, and whereas the Town expects to have approximately \$800,000 of available discretionary funds in the bank by the end of 2014, and whereas these funds earn approximately .3% per year in interest, and whereas if the Town were to prepay the garage loan it would save approximately \$25,000 in interest cost over the next 6 years, therefore it is resolved that the Ancram Town Supervisor is authorized to prepay the full \$280,000 remaining balance of the garage loan to the Bank of Greene County in September 2014, and it is further resolved that a budget transfer is approved in the amount of \$240,000 from the fund balance to the General Fund loan account (9710.6) to allow for the prepayment of the outstanding loan.

A motion was made by Councilwoman Israel and seconded by Councilman Miller to pay the bills. Motion carried.

A motion was made by Councilwoman Israel and seconded by Councilman Miller to approve the following highway budget adjustment: To 5130. \$2,600 From 5110.4 \$2,600. Motion carried.

A motion was made by Councilman Clark and seconded by Councilwoman Israel to approve the following general budget adjustment: To 9710.6 \$240,000 From Fund Balance \$240,000.00. Motion carried.

A motion was made by Councilman Clark and seconded by Councilwoman Israel to adjourn to Executive Session to discuss the medical and employment history of a certain individual employee. Motion carried.

### **Executive Session**

A motion was made by Councilwoman Israel and seconded by Councilman Miller to reopen the regular meeting from the executive session where the board discussed the medical and employment history of a certain individual employee. Motion carried.

A motion was made by Councilman Miller and seconded by Councilwoman Israel to authorize the Town Supervisor to write a letter to town employee Anna Blass Annis regarding her termination as a town employee effective 9/30/14. Motion carried.

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

Respectfully submitted by,

Monica R Cleveland  
Ancram Town Clerk

