

**Town of Ancram
Town Board
Regular Meeting
July 18, 2013**

Present:	Supervisor Arthur Bassin	Councilman James Miller
	Councilman Chris Thomas	Councilman Hugh Clark
	Councilwoman Madeline Israel	Town Clerk Monica Cleveland

The regular town board meeting was called to order by Supervisor Bassin at 7:05pm with a salute to the flag.

A motion was made by Councilman Miller and seconded by Councilwoman Israel to approve the minutes of the previous meeting. Motion carried.

Mr. Bassin stated that the Fire Chief could not make the meeting but reported that the proposed finish date of the Firehouse addition is September and that Mr. Waldorff is doing much better following his accident at the work site.

Supervisors Report

Financial Report: Revenues for the six months ending June totaled \$990,000, including \$811,000 in property tax receipts and \$120,000 in sales tax receipts, received in January and April. Full year revenues for sales and mortgage taxes look like they will exceed budget by \$25,000 to \$50,000. Costs for the six months ending June totaled \$557,000, or about 42% of our full year budget. Spending for the first six months is running slightly better than budget. Cash on hand at the end of June totaled \$1,092,000. Barring any extraordinary events, I expect revenues and spending for the rest of the year to be slightly better than budget, resulting in a year end cash position of about \$675,000, which is about \$25,000 better than we budgeted.

Town Issues

- 1. ZRC Package 5 - Ridgeline Protection** - We will continue the 5/16 public hearing on the revised draft 9 ridgeline protection regulations at 6:30pm on 7/18. We will close the public hearing on draft 9, and will receive from the ZRC draft 10 for discussion, which incorporates proposed changes based on the feedback we have gotten from the public on draft 9. We will schedule a public hearing on draft 10 for August, and will consider draft 10 for adoption in September. In September we will also consider a resolution amending our January 17, 2013 Negative Declaration to reflect the changes in the proposed ridgeline protection regulations.
- 2. Carson Rd Wind Turbine Permit Notices of Violation** – The Gershon and Crocco turbines both seem to have benefitted from the repair and adjustment work done over the past few months. The Crocco turbine had another inverter problem which caused a significant noise issue for a few days but was corrected when the inverter was rebooted and subsequently replaced. We are waiting for information from both turbine owners regarding how they propose to mitigate the hovering helicopter

noise at high wind speeds by “furling” the tail at a wind speed lower than wind speeds that cause the hovering helicopter noise. The County Health Department was contacted by one of the neighbors

3. about the public health issues related to the turbine noise problem. The County Health plans to investigate the matter, so the public hearing on the Crocco turbine scheduled for Monday 7/15 will be rescheduled.
4. **Flooding and Road Damage** – The heavy rains of the past few weeks have caused extensive damage to roads and culverts. The highway department was able to get all washed out roads back into service within days, but much work remains.

County Issues

1. **2013 Financial Situation** –Nothing new to report. The County still does not have adequate monthly cash flow reporting to the BOS, and no cash flow forecasting. The BOS also needs monthly departmental income statements and balance sheets, and a financial review process in place to get control of the county’s cash situation. Part of the problem is the County’s financial managers are not as concerned about the County’s cash flow problems as they need to be, and are not being pushed hard enough by the leadership of the BOS to get a better handle on the numbers and communicate more about the numbers with the BOS.
2. **Pine Haven Nursing Home** – Nothing new to report.
3. **Long Term Capital Planning** – Preliminary longer term capital forecasts made recently indicate the County will need about \$50 million for road and bridge repair, \$45 million for the new Pine Haven nursing home facility and about \$15 million for routine heavy equipment purchases and facilities upgrades.
4. **County Home Health Nurse Service**- BOS voted last week to sell the CHAA, which is has been losing about \$800,000 a year, and serves fewer than 10 patients, who can receive home nursing services from private providers.

Highway Department

The Highway Superintendent stated that the department has been busy for the last 3 weeks. There were 4 roads washed out during the first rain storm followed by three others during the next storm.

Zoning Board

The ZBA has postponed the Public Hearing on the Crocco Wind tower until September.

Youth Commission

The Youth Commission will be taking their trip to the Zoom Flume on August 12, 2013. Price will remain at the \$28.00 from last year. The YC has also purchased a sign for the Pool and Blass Park.

Communications

The committee has made a new farming brochure as well as a newsletter and done work on the website.

Ag Council

The Historic Ancram Farm Tour will take place on September 21, 2013 and will include historic farms, the two churches and some historic buildings.

Heritage Resources Plan Committee

Ruth Piwonka will be finishing her survey of historic resources in Ancram in September, which will be the basis of a historic town designation application, and which will support grant applications for a variety of projects. HRPC recommended that we apply for a community septic planning grant, which will need to be

filed electronically. CT Male, an Albany engineering firm, has proposed a \$500 fee for assisting the town to file the application. Motion to approve the \$500 fee and application made by Supervisor Bassin, seconded by Ms. Israel and unanimously approved. 30 people were involved with painting the fence at the St. Johns Cemetery. This coming Sunday the Town Hall will celebrate a 10th anniversary of the Town Hall building as well as the 210th anniversary of the town and the dedication of the historic vestibule project. Lynne Perrella designed the vestibule and managed the construction process. The first display will be the Historic Ancram School Houses.

Ridgeline Protection

Mr. Hugh Clark gave an overview of draft #10 of the Ridgeline Law. Further work will be done on the visibility analysis process and more information will be presented at the next TB meetingw

Mr. Clark handed out the Ancram Ridgeline Analysis paper.

Sue Bassin asked that the Town Board think about bikers and joggers as well as the homes that can see the designated ridges wen they decide on what is scenically important using the visibility analysis tool.

ZRC

The second session of training was held on July 1st and counted towards the 4 hours of training.

The Carson Road wind tower fixes seem to have worked.

The Gallatin cell tower will be turned on by the end of July with AT&T service only. No idea if or when Verizon and others will be on the Gallatin or Copake tower.

The town board will hold a public meeting to discuss whether to town would like to remain with an elected Highway Superintendent or create a law making the position appointed. This will happen prior to the next town board meeting.

A motion was made by Councilwoman Israel and seconded by Councilman Miller to make the following budget adjustment:

From: 5132.2 Machinery to 5130.4 Machinery \$7,250.00. Motion carried.

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

Resolution #19 of 2013: Amicus Brief

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ANCRAM TO APPROVE BECOMING AN AMICUS CURIAE IN ACTIONS INVOLVING MUNICIPAL HOME RULE IN THE COURT OF APPEALS OF THE STATE OF NEW YORK

Date: JULY 18, 2013

WHEREAS, the Towns of Middlefield and Dryden have recently revised their zoning laws to prohibit heavy industrial uses (including natural gas drilling) in their communities and such laws were challenged in court by opponents claims that the Towns did not have the power to regulate natural gas drilling as a land use through zoning; and

WHEREAS, the Town of Ulysses filed an amicus curiae or "friend of the court" brief in both lawsuits in support of its sister Towns in order to reassert the right of each municipality throughout New York State to determine what land uses are appropriate in its community through municipal home rule law powers granted by the NYS Constitution and the NYS Municipal Home Rule Law; and

WHEREAS, the Town of ANCRAM joined with the Town of Ulysses and a coalition of over 50 other municipalities from across the State to file these amicus curiae briefs in the Appellate Division, Third Department in 2012; and

WHEREAS, the Appellate Division, Third Department, ruled in favor of the Towns of Dryden and Middlefield in the matters of Norse Energy Corporation USA v. Town of Dryden et al., and Cooperstown Holstein Association v. Town of Middlefield; and

WHEREAS, the Norse Energy Corporation and the Cooperstown Holstein Association ("Appellants") recently filed motions for leave to appeal each decision to the Court of Appeals – the State's highest court; and

WHEREAS, if the Appellants are granted leave to appeal to the Court of Appeals, the Town of Ulysses will seek leave to file amicus curiae brief(s) with the Court and will file such brief(s) if leave is granted; and

WHEREAS, the Town of Ulysses has requested that other municipalities in the State consider joining the municipal coalition supporting the Ulysses' amicus brief(s) to send a powerful statement to the Court of Appeals, the NYS Department of Environmental Conservation and the NYS Legislature about the importance of protecting municipal home rule in New York State and a municipality's right to decide, for itself, whether natural gas drilling - or any other land use - is appropriate for its citizens.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Town of ANCRAM hereby determines that it is in the public interest of the citizens of the Town to support municipal home rule by joining in the amicus brief(s) being filed in the Court of Appeals by the Town of Ulysses and a coalition of municipalities from across the State.
2. The Town of ANCRAM hereby authorizes and directs the Supervisor to complete or cause to be completed any and all such further documents and papers in the name and on behalf of the Town/Village/City as the Supervisor/Mayor deems necessary or appropriate to carry into effect the foregoing resolution.
3. The Town Clerk will promptly send a certified copy of this adopted resolution to the Town of Ulysses, 10 Elm Street, Trumansburg, NY 14886.

The meeting was adjourned by Supervisor Bassin at 7:50pm.

Respectively submitted by,

Monica Cleveland, Ancram Town Clerk