

**Town of Ancram
Town Board
Regular Meeting
June 18, 2009**

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

Supervisor Thomas Dias called the regular meeting of the Ancram Town Board to order at 7:02pm followed by a salute to the flag.

Mr. Dias welcomed all in attendance and invited them to also attend the Town Board Workshops that are held the first Monday of the month at 8:00pm. Mr. Dias complimented the new town board members and stated that he felt that a lot has been accomplished in the past six months.

A motion was made by Councilman Miller and seconded by Councilman Mayhew to accept the prior meeting minutes as read with the following correction: At the place in the minutes that speaks about a fine for the Highway Department from the DEC in the amount of \$37.00, the amount should read as \$37,500.00. The correction being noted, the minutes were passed and placed on record.

Supervisor Dias read the following financial report:

General Account: \$416,552.56
Highway Account: \$421,552.56
Light District: \$12.95
Capital Building: \$133,544.26
Capital Equipment: \$19,640.78
CDBG: \$12,351.73
Trust and Agency: \$37,691.20

Mr. Dias proceeded to go through the budget lines. He stated that the 1220.4 account was low due to the fact that the newsletter and the website expenses have been taken out of this account. 1910.4 is the insurance line for the trucks and the building. There are no more expected bills to come out of this account. The account line 1680.4 was added to the budget, and money moved into it. This will pay the newsletter and the website bills. 5132.4 is low due to the fact that there was a major electricity malfunction that almost burned the building down. Councilwoman Hoyt asked if these shortcomings are due to the fact that the budget was cut so much. Mr. Dias expected so. Mr. Dias stated that at the workshop the board will figure out what they want to move into these lines.

Councilman Miller suggested that the board look into the health insurance rates for the highway personnel. Mr. Dias suggested having a representative come to the next town board meeting.

Mr. Dias stated that the board has not received the Farmland Grant money. When it does come in this will be shown on a different line.

Mr. Dias made a motion seconded by Councilwoman Hoyt to pass the financial report with the desired actions. Motion carried.

Old Business

Mr. Bob Roth gave an update on the cell tower committee. He stated that the Ghent-Philmont tower will be in place by July. The men from AT&T are working on the proposed sites from the town. Mr. Jeffreys stated that he could have a tower up by the end of 2009. He is also in contact with the Ancram Fire Commissioners. Mr. Roth stated that Mr. Jeffreys will have legal forms for the town that deal with the town not paying anything for the tower.

Mr. Hugh Clark gave the following Comp Plan Update: **1. Comprehensive Plan Committee Activities** --*The Comp Plan Committee has revised the Comp Plan based on comments from the April 25 Public Hearing, and has scheduled another Public Hearing for Monday, June 22 at 7 pm. The Committee plans to present the draft Comprehensive Plan to the Town Board at the July Town Board meeting.*

2. CDBG Activities -- *The CDBG Project Team will review a first draft of a "Community Development Strategic Plan" at its next meeting, which has been rescheduled for next Wednesday, June 24. The Committee has developed a first draft of a business directory of Ancram businesses. The next CDBG grant opportunities are for a Technical Assistance Planning Grant (application due in November 2009) requiring a \$15,000 match, and a no-match \$400,000 construction/renovation grant (application due in April, 2010). We have used about \$12,000 of our \$21,000 CDBG grant funding, and expect to use the balance of the funds preparing the Community Development Strategic Plan.*

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, and have applied for the first \$6250 advance. The AFPP Committee is finalizing a Farm Inventory and list of agricultural businesses in Ancram, and will develop a budget outlining how the \$33,333 in grant funds will be spent over the next 18 months. A portion of these funds will be available to help fund the zoning revisions efforts related to the Comp Plan.*

4. Budget – *Comp Plan spending in May was about \$300, and Ag & Farmland Protection Plan spending was about \$745. Through May, we have spent approximately \$9045 of the \$16,500 full year budget.*

Mr. Dias stated that the board has activity reports from the building department in their packets and advised them to read them.

Mr. Dias thanked Councilman Miller for helping to save the Town around \$4,500.00 on the fuel facility replacement station. Mr. Miller gave a call to Valley Oil Company and found that there was a construction company that was selling some used tanks that were five years old. For a new tank the town would have paid \$6,400.00. For two 5 year old tanks the town paid \$2,000.00. At this time the town is building a facility to keep them out of the elements. Including the cement, the town will spend \$5,500.00 on this project. Those present thanked Mr. Miller with applause.

The board discussed the Garage Replacement Issues. Mr. Dias stated that Conkra has spoken to him and that the written appraisal is on its way to him. Councilman Mayhew stated that the agency said that they e-mailed Tom two weeks prior. Mr. Dias stated that they sent him a rough figure and that he needed a written hard copy of the final appraisal. Mr. Dias stated that the bill has not come either. Highway Super MacArthur stated that he has a quote from Conns for a 100x80 8000 square foot building with a pour floor for \$181,000.00. He stressed that this and any other quotes he obtains are just that, quotes, not proposals and are not written in stone. The quote also includes plumbing, radiant heat, electric, furnace, ceiling, 8 foot walls, insulation for an additional \$120,000.00 for a total of \$301,000.00. Mr. MacArthur also said that the quote on the salt shed is around \$106,000.00. Councilwoman Hoyt asked if this was different than the sprung building. Mr. MacArthur stated that it was made from different material. There is one on Route 22 if the board would like to look at it. There is a Sprung Salt Shed in Connecticut. Mr. Citrin stated that he will give Jim his contacts name and information for the Sprung building.

Mr. Dias opened discussion on the Water Issue on Town Road. Mr. Dias stated that Mr. Casey of the Corps of Engineers is up North out in the field. He stated that Mr. Mayhew now has his number as well. Highway Super MacArthur is in the process of purchasing the material to fix the problem by putting pipe up town road and allowing the water to empty into the water by the Highway Garage. Councilman Mayhew stated that he still would like the Corps to look at the Palmer residence. He felt that though the town has decided to put the pipe in, the problem still has to be addressed. Mr. Dias suggested moving money into the correct account for the pipe purchase. Mr. MacArthur stated that he will deal with the money issue later. He would like to complete the project now.

Mr. Dias addressed the appraisals the board approved to do on the Steele Property, the Tin Smith house and the Houghtaling property. Councilwoman Hoyt stated that she has heard that the Fire Commissioners have interest in the Steele property. Mr. Terry Boyles stated that the owner has a contract with the Ancram Preservation Group and that if they decide to move the building, Mr. Steele will give the property to the Fire Department. The contract stated though that if the APG puts money into the property and the contract is broken then Mr. Steele will have to pay back that money the APG spent. Councilwoman Hoyt stated that the town is interested in the property to fix the intersection and that this cannot wait the five years of the contract. Councilman Mayhew

stated that he felt the town could ask Mr. Steele what he wanted for the property and if the town is not happy with this figure then the appraisal can be done. Mr. Shaw stated that the town is subject to a lawsuit if the transaction were to happen this way. Mr. Dias stated that if the town knows that the Fire District is interested in the property then the board will not pursue it. Mr. Miller questioned the intersection issue. Mr. Boyles stated if the Fire House acquired the property then they would use it as an entrance to the fire house. Mr. Boyles stated that he will talk to the commissioners about a time line. Mr. Dias stated that the board should only get appraisals on the Tin Smith house and the Houghtaling property. Mr. Boyles stated that at this time the commissioners are working with their district lawyers and they would like to address the contract before the APG paints the building. Mrs. Israel asked why the Fire Commissioners wanted the building and if the public would have a vote as to whether to purchase the building. Mr. Dias stated that the Board of Commissioners are an elected board and that they make decisions much like the elected town board. Mr. Boyles stated that the commissioners would not have to bid on the building yet they would like to be straight forward with the APG. Mrs. Hoyt stated that she has spoken with the APG and that they want what is best for Ancram.

Councilman Miller addressed the question as to the placing of the proposed Highway Garage. Councilwoman Hoyt stated that on that same note, she has looked at the assessments in the town of Ancram and feels that she has pinpointed the problem as being the amount per acre. She feels that there is no continuity to it. She feels that the town needs to do a reassessment throughout the town with a correct formula. She felt that the assessments cannot go on the way they are at the present time. Mr. Dias stated that he has looked at Mrs. Hoyt's work and the tentative assessment roll and that there are problems. Mrs. Hoyt stated that there is one property with five properties all having 150 or more acres and that each per acre amount was different. She understands that there will be variations and that the soil map has to be taken into consideration. Mrs. Hoyt stated that the assessment on the small properties are high yet the larger properties have a similar assessment as twenty years ago. She stated that the large properties assessments only increased by 10%. Mr. Shaw stated that this is something that the assessor has to deal with and that the town board has no say in the matter. Mrs. Hoyt stressed that the equalization rate is down to 92%. Mr. Shaw stated that the assessor cannot do what Mrs. Hoyt is asking but can do what is known as trending. He stressed to be careful with this subject and not make it a political issue. Mr. Shaw stated that the assessor can get guidance from the state. Mr. Kermit Hoyt stated that there was a property revalued high and that the woman is now passed and the assessment has been dropped. Mr. Hoyt asked why. He stated that the owners never questioned the amount. Mr. Dias stated that he would have the assessor at the next workshop. Mrs. Hoyt stated that with the assessor appointed there was no way for the board to know what he is doing and if changes are being made. Mr. Shaw stated that the board cannot direct him to make changes. Mrs. Hoyt said that there could be changes being made and the board will not know about them.

Privilege of the Floor

Mr. Avery Prope Dietter addressed the Board. He stated that he has the schematics of Town Road and the drainage system. He stated that he had tried to get Mr. Gerald Simons to put a pipe in the road. Mr. Simons stated that the road was a User Road and Mr. Dietter questioned the board as to what this meant. Mr. Shaw stated that there are two type of municipal roads. User roads are usually 100's of years old and were originally owned by the families that lived on them. Over time they became public roads or town roads. The land underneath the roads continue to be owned by the properties bordering them. Mr. Shaw stated that this is a big issue because the highway law stated that the roads need to be open "three rods wide". The question comes up can the town take the road and open it up and the courts state that the roads cannot be opened larger then they are.

Mr. Mike Citrin questioned the e-mail from Concra. He asked if anything had changed since the May meeting and if the amount was what was originally stated. Mrs. Hoyt stated that she has looked through the appraisal that was done by a concerned citizen and feels that it cannot be used due the issue that the appraiser was not allowed in the building and contents of the appraisal is based on "hearsay".

Mr. Citrin questioned the per acre assessments spoken of by Mrs. Hoyt. Mr. Citrin stated that if one person has 2.9 acres and someone else has 3.1, the 3.1 can be considered a build able lot. Mrs. Hoyt stated that there needed to be continuity to the assessments and that she will be bringing to Mr. Legget.

New Business

Mr. Dias stated that there was a letter from the NYS DOT in the packets. The letter addressed certain highways being designated restricted highways. No Highways in Ancram were attached and listed.

Supervisor Dias made a motion seconded by Councilwoman Hoyt to make Budget amendments 1, 2, 3 and 5 for the month of June 2009. Motion carried.

A motion was made by Supervisor Dias and seconded by Councilwoman Hoyt to make budget amendment #6 of June 2009. Motion carried.

Mr. Dias stated that he has given to the town attorney the letter which came from Charter Communications that deals with the restructuring of the company.

Mr. Dias stated that he had received a packet from Mr. Robert Matthews Sr. in regards to the proposed Highway Garage location and the property he has offered to sell the town. Mr. Jason Shaw stated that he has read the proposals and that he has major issues with all of them. He felt that this was very premature and that the board should wait until the appraisal has come from Concra and then go from there. Mr. Dias stated that he would read the proposals at the Workshop but that he wanted to make the public aware of the proposals. Mr. Jim Stickle asked why the town shouldn't know the proposals so that they

could be discussed among the public prior to the workshop. Mr. Shaw stated that until the town knows the appraisal amount, this proposal should not be discussed at the board meeting. Councilman MacArthur stated that this was a public meeting. Mr. Dias read following letter into the minutes: *“To the Town Board of Ancram, I am writing to the Board as a part of the continuing dialogue between myself and the Town as regards the potential purchase of my building at 746 Roche Lane. When the Town first approached me almost two years ago to purchase my building, the building itself was only two years old. It was put forth to me that my building and property fulfilled the Town’s needs for a location which fit in with the Town’s needs for a location which fit in with the towns future vision or as it has since come to be known the Town’s Comprehensive Plan, and was also a building which could almost immediately be put to use by the Town’s highway department with minimal alterations. The building which in 2004-2005 cost me about \$475,000.00 to complete to the commercial specifications required by the Town’s Code Enforcement Officer, would be sold with enough acreage to provide room for both future expansion and the needs of the Town to ultimately erect an environmentally secure salt shed. With its wood burning furnace it also offered a more affordable alternative source of energy to the Town. At that point in time considering replacement costs of the building, the actual value of the building and the additional 10 to 12 acres, I agreed to offer the parcel to the Town at the cost of \$750,000, an offer I considered both generous to the Town in which I live full time and fair to my own investment in the property. Time has passed and now the project is being viewed through the microscope of tougher economic times. We all here in Ancram as in other parts of the country have experienced this current economic downturn. In the spirit of trying to maintain good community relations and in attempting to achieve a workable solution with the Town, I would like to make the following offers to the Town of Ancram as the basis for further dialogue. There are four proposals attached to this letter and I welcome the opportunity to discuss any or all of them with the town board. Three of the four proposals are geared toward addressing the financial concerns of the Town Board and the fourth would give the Town the opportunity to further assess its needs while still solving the immediate problem of not being able to go through another season at the current location of the highway garage. Proposal #4 would gibe the town time to study the Roche Lane location’s real impact upon the community i.e. a traffic study and the effect on the residents of Roche Lane and Drive as well as neighboring properties, the practicality of its location at the epicenter of Town, the effectiveness of the surrounding natural buffer zone in reducing its operational impact to the neighborhood, a full determination of the operational costs associated with the structure and the development of a multi-year financial plan for the Town which would accommodate the purchase with a minimal impact to its taxpaying residents. And also the Town would have time to consider and pass its Comprehensive Plan to see if the building location truly fit in with the vision for our future and would put the ultimate decision off until after this election cycle to prevent the project from becoming a political football in the upcoming months. The garage solution should be made based upon what the Town Board perceives to be in the best interests of its residents not upon the political expediencies of either getting elected or being re-elected. Let’s take the politics out of this decision. In conclusion, I would simply state that I am writing to discuss these options and any other options which the Town and myself might consider acceptable to both parties. After all it is negotiation efforts between buyer and seller which ultimately*

determine the true fair market value of any property. Respectfully submitted, Robert A. Mathews Sr. Mr. Dias read the following four proposals: **#1** *I am prepared to entertain the sale of the building plus ingress and egress to the property plus 10-12 acres for the reduced price of \$650,000. Full replacement costs for me to build an identical structure actually exceed the \$650,000.00 price, but I am looking to downsize should I rebuild.* **#2:** *Should the Town wish to pursue a land only option and erect the structure of its choosing I am prepared to offer them 5 acres for the sum of \$60,000 representing a cost of \$12,000/acre. As proposed in proposal #1 the town would also have ingress and egress to the property to use as their own. Additional acreage could also be available at the same time and priced accordingly.* **#3:** *The Town may purchase the building plus five acres and also ingress and egress for \$590,000. Additional acreage may be purchased at the price of \$12,000./acre for up to a two year period, after which additional acreage will need to be purchased at current market value.* **#4:** *The Town may lease the building at the cost of \$6500/month, make any necessary alterations, and at the end of one year should the Town desire to purchase the building and property 60% of the previously paid rent would be applied to the down payment on the building and 5 acres.* Councilman Mayhew stated that there would be no discussion this night. Mrs. Hoyt stated that she felt the board has not made this a political issue.

Councilman Mayhew stated that it did not look as though there would be a new town garage this year and that the board is obligated to have some sort of structure for the men to work in during the winter cold. He stressed that no money would be lost because the temporary building could be moved and serve another purpose at a later date. Councilman MacArthur felt that this could be a security issue. Mr. Dias stated that this will be discussed at the workshop.

A motion was made by Supervisor Dias and seconded by Councilwoman Hoyt to allow the Town Clerk to use \$1,400.00 of her 1410.4 money to purchase a new computer for the office. Motion carried.

Mr. Dias stated that there will be a meeting on Monday at 10am with the county and state in regards to the County Route 7 and State Route 82 intersection.

Councilman Miller stated that the Community Day event was coming along great and that anyone who would like to help is invited. Councilwoman Hoyt suggested having a voter registration booth at the event.

Councilman Mayhew stated that the website has to be updated and that there is old information on it.

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

Mr. Terry Boyles offered the highway department use of his shop this winter to work on the trucks. This was followed by another offer by Mr. Jim Stickles.

Mrs. Jean Brant offered a thank you to Councilman Miller and the Community day committee for all of their hard work.

A motion was made by Councilman MacArthur and seconded by Councilman Mayhew to adjourn the meeting. Motion carried.

Respectfully submitted by,

Monica Cleveland
Town Clerk