

**Town of Ancram
Town Board
Regular Meeting
March 19, 2009**

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

Supervisor Dias called the regular meeting to order following the Public Hearing at 7:10pm.

A motion was made by Supervisor Dias to accept as read and place on file the minutes of the February 19, 2009 regular meeting and the February 21, 2009 special meeting. The motion was seconded by Councilman Mayhew. Motion carried.

Supervisor Dias read the following financial statement:

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| General Account: | \$596,441.40 |
| CDBG: | \$1,000.00 |
| Highway: | \$585,483.20 |
| Light: | \$1,135.55 |
| Capital Building: | \$147,235.58 |
| Capital Equipment: | \$19,630.28 |
| Trust and Agency: | \$37,305.14 |

A motion was made by Councilman Mayhew and seconded by Councilwoman Hoyt to accept the Supervisors Financial report. Motion carried.

Mr. Dias instructed the Town Board to look through their packets at the various correspondence received through the month.

Old Business

Mr. Bob Roth gave an update on the cell tower committee. He stated that on March 9th the committee had been working on the project for two years. He informed the board that he found a law named the RELT law on record with the federal government that had been passed in 1936 and amended frequently from 1949 through 1990. He stated that it outlines the need for phone service and possible assistance for rural areas. He has given Mr. Shaw a copy of this law. He stated that AT&T has promised a tower in 2009 or 2010. He stated that at this time he can go no further and that the Town Board needs to take

over and find possible tower locations. He stressed that the Verizon users need to call 611 on their phones each time that they have no service. Mr. Dias stated that he has been working with Supervisor Crowley on this subject and that he will call Supervisors Scheer and Young.

Mr. Barry Chase gave the Comp Plan Update.

1. Comprehensive Plan Committee Activities --*The Comp Plan Committee is in the process of revising and finalizing the detailed strategies to incorporate recent Community and Town Official feedback. We expect to have a revised Comprehensive Plan by the end of March, plan to hold workshops to review the Plan with the Town Board in April and hold a public hearing on April 25. Following the public hearing, we 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" to implement some of the ideas coming out of the CDBG effort during 2009 and 2010.*

3. Agriculture & Farmland Protection Plan (AFPP) – *We are still waiting for our Farmland Protection Plan Grant funding contract from the NY State Department of Ag and Markets. The AFPP Team met March 2 to develop an inventory of farming activities and farmland use in Ancram, including things like type of farms, acreage used for different crops, employment levels, products, revenues and future plans. At the next meeting on April 6, a representative from the Glynwood Center, an agricultural research organization, will be addressing the Committee on how Glynwood's programs may assist us in developing our Ag & Farmland Protection Plan.*

4. Budget – *Comp Plan related spending in February was about \$840. Year-to-date we have spent \$4700 of the \$16,500 full year budget.*

Councilman Miller stated that the Comprehensive Plan Committee would like to do a workshop with the Town Board to go over the revised plan.

Mr. Jason Shaw stated that he still has no news on the American Home Mortgage paper received by the town.

Mr. Shaw stated that the Charter Communications company has filed for bankruptcy but that they may not go out of business. Mr. Shaw has talked to a Pat Johnson at the Public Service Commission and she suggested that the town shorten the contract time. The current contract, that ran out this week, was originally for ten years. The current contract, although expired, will continue for another 6 months. Mr. Shaw stated that another company could buy Charter out. Mr. Dias stated that the town received a check from Charter in the amount of \$4,856.80. He stated that the town will be looking into a shorter contract.

Mr. Dias stated that he has not spoken to the Town of Gallatin yet in reference to the Boyles property line issue. Mr. Dias stated that this issue may be affecting other property owners on Hall Hill as well. Mr. Mayhew stated that this needed to be worked out by the two towns.

Mr. Dias stated that the town will be remaining with the current noise ordinance for the time being. The Board had discussed updating the ordinance but feel that this is not needed at this time.

Councilwoman Hoyt asked if there was anymore information on the \$11,000.00 that was given to the Community Rescue Squad in error. She stated that she felt that someone should be held accountable for the issue. Councilman Mayhew stated that the error had gone through many hands. Mrs. Hoyt stated that she felt that if former Councilman Roberts had promised \$75,000.00 to the rescue squad and was this was not a board decision, he should be held accountable for the error. She asked Clerk Cleveland if she had found anything in the minutes from that budget hearing that indicated the Rescue Squad was to be given the \$75,000.00. Mrs. Cleveland stated there was not. She stated that the rescue squad line item was for \$64,000.00 and wondered why, after receiving the budget and seeing that they were being given the \$64,000.00, they would take it upon themselves to issue 4 vouchers that totaled \$75,000.00. She also questioned the board as to why they, the rescue squad, had not contacted the Town Board when they saw the \$64,000.00 figure and not the \$75,000.00 they claim they had been promised. Attorney Jason Shaw stated that this is all here say and is not something that the town spend time and money prosecuting. The Town did receive back the \$11,000.00. Mrs. Hoyt stated that she wants to have someone be accountable for the mistake.

Privilege of the Floor #1

Barbara Docktor asked why the budget has two line numbers for each office. Mr. Dias stated that the line items that have a .1 after them are salary lines and that the .4 numbers are the contractual accounts.

Mr. Terry Boyles asked who is responsible for the changing of the property lines on Hall Hill. Councilman Mayhew stated that the town always had straight lines but that the county has gone to curved lines. Councilwoman Hoyt stated that the towns have to get together on the issue. Mr. Shaw stated that this is a County issue.

Mr. Jim Evers asked is the assessors had the original survey of the property. Mr. Dias stated that they have and that he will put the assessors on the agenda for the next workshop meeting. Mr. Shaw stated that the towns cannot determine land lines.

New Business

Mr. William Hunt asked the board if he could have permission to attend classes in Poughkeepsie during the month of April. It will cost \$275.00 and will provide 19 hours of his required 24 for the year. A motion was made by Councilwoman Hoyt and seconded by Councilman Mayhew to allow Mr. Bill Hunt to attend ZEO classes in Poughkeepsie for \$275.00. Motion carried.

Councilman Mayhew offered the following resolution. The resolution was seconded by Councilman Miller. Resolution carried.

Resolution #11 of 2009: Allowing the Transfer of \$29,500.00 from the Town of Ancram Savings Account to the Ancram Fire District.

WHEREAS, the Town Board of the Town of Ancram mistakenly budgeted and collected the amount of \$123,610.00 for the Ancram Fire District,

WHEREAS, the Town Board of the Town of Ancram should have budgeted and collected \$153,110.00 for the Ancram Fire District,

RESOLVED, that the Town Board of the Town of Ancram will move \$29,500.00 from the Town of Ancram savings to the General account to pay the Ancram Fire District the afore stated amount in arrears.

BE IT ALSO RESOLVED, that the Town Board of the Town of Ancram will allow the Fire District to collect the amount of \$29,500 in additional taxes in 2010 to pay the town of Ancram Savings back the afore stated amount.

Councilman MacArthur stated that next year, the Fire District needs to have the paperwork filled out completely.

The following resolution was offered by Councilwoman Hoyt and seconded by Councilman Mayhew.

Resolution #12 of 2009: Resolution establishing a Grants and Funding Committee

WHEREAS, the Town Board of the Town of Ancram feels it is in the Municipality's best interest to establish a Grants and Funding Committee.

Now Therefore...

1. It is hereby declared that the public welfare and interest of the citizens of this Municipality will best be served by establishing a committee for Grants and Funding.
2. The Committee shall consist of the following members: Suzanne Bressler (Chairperson), Mike Cawley, Libby McKee, Bob Murphy, Art Bassin, Councilman John MacArthur and Councilman James Miller.
3. The Committee shall designate that time and place for the meetings. Special meetings may be called by the chair, or in his absence the Vice Chair, or upon the request of a majority of the members of the committee. The committee shall keep all of its own notes and minutes.
4. The Committee is charged with prioritizing stimulus money for the Town of Ancram and work towards applying for grants that can benefit the Town of Ancram.

RESOLVED, That the Town Board of the Town of Ancram does hereby establish a Grants and Funding Committee.

Resolution carried unanimously.

A motion was made by Councilman Miller and seconded by Supervisor Dias to allow the Town Website, Technology 4-All to add a Grants and Funding page to the Town Web Site. Motion carried.

The following resolution was offered by Supervisor Dias and Seconded by Councilman Miller.

Resolution #13 of 2009: Allowing the Town of Ancram Youth Department to Open a Bank Account at First Niagara Bank

WHEREAS, The Town of Ancram Youth Commission feels it is in their best interest to open a bank account at First Niagara Bank for playground equipment,

AND WHEREAS, By having an account at the First Niagara Bank would allow the Ancram Youth Commission to receive grants and funding it may not otherwise acquire,

RESOLVED: That the Town Board of the Town of Ancram does hereby give permission for the Ancram Youth Commission to open a bank account at the First Niagara Bank.

Resolution carried unanimously.

Councilman Miller stated that the Town Board is applying for a grant from the Columbia County Tourism Department to possibly fund the tent, tables and chairs for the Community day that is proposed to take place on August 15th and 16th, 2009.

The Following resolution was offered by Supervisor Dias and seconded By Councilwoman Hoyt.

Resolution #14 of 2009: Resolution Appointing Officers of the Ethics Committee

WHEREAS, The Town Board of the Town of Ancram has the authority to appoint persons to the Town of Ancram Ethics Committee,

RESOLVED, That the Town Board of the Town of Ancram does hereby appoint Mary Anne Roche, Ron VanTassel and Thomas Dias to the Town of Ancram Ethics Committee.

Resolution carried unanimously.

A motion was made by Supervisor Thomas Dias and seconded by Councilwoman Hoyt to make budget amendment #4 of 2009 allowing \$2,787.40 from account 1220.4 to account 1990.4. Vote was as follows: Yeas- Dias, Miller, Mayhew, Hoyt. Nays- MacArthur. Motion carried.

A motion was made by Supervisor Dias and seconded by Councilman Miller to allow the Town Planning department to install GIS mapping software at the maximum cost of \$680.00. Motion carried.

A motion was made by Supervisor Dias and seconded by Councilman Mayhew to allow the investigation of the Mathews property to proceed. Motion carried.

Town Clerk Cleveland read the following bid:

The Town Board of the Town of Ancram will be accepting bids for the outside maintenance of the following Town of Ancram properties: Town Triangle in Ancram and Circle in Ancramdale (Memorial stones), Town Hall Property, Blass Memorial Ball Field, Town of Ancram Swimming Pool and Free Ground Cemetery. The bid will be for all of the properties as a complete package. Along with the bid a Certificate of insurance for general liability and Worker Compensation with a million dollar coverage and a two million aggregate for the working session. The maintenance contract will be effective April 15, 2009 through December 1, 2009. A copy of an outline of duties can be obtained from the Town Clerks office and the Court Clerks office Wednesdays, Thursdays and Saturdays from 9:30 am to 12:00 noon. Sealed bids are due by March 18, 2009 at 12:00noon to the Town Clerks office. The bid packet will be opened at the March 19, 2009 Town Board Meeting.

Town Clerk Monica Cleveland opened the only bid from Boice Home Care Service Inc. The bid was for \$23,500.00 that they assume will be broken down into 8 equal payments beginning in the month of April. The bid stated that the contractor will supply certificates of insurance and Certified Pool Operators Certificate to the building superintendent upon receipt of the bid.

A motion was made by Supervisor Dias and seconded by Councilman MacArthur to accept the bid of \$23,500.00 from Boice Home Care Service. Motion carried.

Councilman Miller asked if the board would consider changing the Town Board meeting nights to the 2nd and 4th Thursdays of the month. He stated that the boards are never done on time for the Planning Board. Councilwoman Hoyt suggested changing the workshop night. Mr. Dias suggested changing the workshop to the end of the month and have the Board meeting the 2nd Thursday of the month. This will be discussed further.

Mr. Dias stated that the 2008 Tri Annual Aid to the Town from the Office of Real Property was \$6,051.50.

Councilman Mayhew read the following engineering study done on the current Town Highway Garage by Mr. Michael C. Wyant:

Review: *The Town of Ancramdale Highway Garage (total number of two) and the property the garages are located on.*

Land review is as follows:

-The material stockpiles are approximately 75' from delineated State/Fed wetlands and NYS DEC will allow a minimum of 100'

- The stored material is a sand/salt mixture which is very hazardous to vegetation in such a concentrated form which indicates DEC has not been notified of this or the town would have to construct and enclosed storage area for the mixture.

- There is no site drainage for storm water runoff which is required by law and commercial property over .99 acres. A filtration/separation system would be required due to the only area for discharge is wet lands.

Building review of Highway Superintendents Office is as follows:

-There are no solid floors, evidence of oil/contamination is obvious in all bays from years of vehicle parking/repairs.

-The block on all of the exterior perimeter wall areas are deteriorated and have several stress cracking leaving the structural integrity comprised of existing shell.

-The septic system is internal in the second bay and this in itself is not Columbia County Health Department approved and it is a dry well not a leaching system which is 30' from the primary water source of the building.

- Building is approximately 5' setback from the N. E. property line.

- If any alterations to existing building are done the deficiencies will have to be addressed due to a certificate of occupancy which cannot be given to a non conforming parcel/building.

Building review of Old Milk Building is as follows:

- The foundation integrity is severely compromised deteriorated and the entire building is listing to the right and poses a safety hazard and should not be occupied until severe remediation's are done to correct the foundation and the wooden structure.

Councilman Mayhew stated that if the town was to stay at the current site everything on the site would have to be brought up to code.

Privilege of the Floor #2

Mrs. Madeline Israel asked if those wishing to join the Senior Commission have to be seniors. Mr. Dias stated that as the Commissioner, she could have her commission make that decision.

Mrs. Israel asked if there was to be an engineer study done on the Mathews property as well. The board stated that this was a possibility. Mr. Dias stated that the Town Board will use the Planning Board no matter what property is chosen. The Town does not have to do this, but in being open, the board plans to use the right avenues. The Town will also have to do a SEQUIRE.

Mrs. Stickle asked if the old town garage site was contaminated and what cost would be involved to clean it up. Mr. Dias stated that the cleanup will be very expensive.

Mrs. Nancy Bryant asked how the contamination would be resolved. Councilman MacArthur stated that the ground can be covered and then seeded. Councilman Mayhew stated that the well is contaminated with salt at this time.

Mr. Evers questioned the breakdown of the proposed bond and the fact that he feels it unfair. He suggested having a flat rate for each property owner to cover the cost of the bond. Councilman Mayhew stated that the Town Board cannot change the tax laws.

Mr. Nickerson asked when the town was going to negotiate the price of the proposed Mathews property. Councilman Miller stated that this would happen after the appraisal. Councilman Mayhew stated that the Town cannot buy property for more then the

appraisal amount. Mr. Nickerson asked about other alternatives. Mr. Dias stated that the town board is always open to other ideas. Councilwoman Hoyt stated that there may be a proposed survey in the newsletter. Mr. Nickerson stated that the property values may plummet and asked why the town would go through purchasing property in a bad economy.

Mr. Avery Dietter stated that he worked on the town highway department and remembers putting fuel on the property as well as oil many years back, to keep the dust from the trucks down. He stated that no matter the decision, the town will have to clean that up. Mrs. Hoyt stated yes, it will be cleaned up.

Mrs. Israel asked for a copy of the DEC letter pertaining to the violations so that she may pursue it.

Youth Commissioner Ruth Wittlinger reminded those gathered about the Youth Commission Book fair to be held on May 22, 2009 at the town hall.

Mr. Nickerson asked if it was true that the sale of the Mathews property is contingent on his being allowed to build another building on the remaining property. Mr. Dias stated that this is up to him and that he will have to go through the Planning Board.

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

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

Respectfully submitted by,

Monica Cleveland
Town Clerk