

**Town of Ancram
Town Board
Regular Meeting
March 21, 2013**

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

The regular meeting was called to order by Supervisor Bassin at 7:02pm with a salute to the flag.

A motion was made by Councilman Miller and seconded by Councilwoman Israel to accept the minutes of the 2/21/2013 Town Board Meeting, 2/21/2013 ZRC Package 4 Public Hearing and the 2/21/2013 Public Hearing on Local Law #1 of 2013. Motion carried.

Fire Chief: The fundraising for the additional improvements to the Firehouse addition is ½ raised. The month of March has been busy for the department.

Supervisors Report:

Financial Report: Revenues for the two months ending February totaled \$878,000, including \$811,000 in property tax receipts and \$62,000 in 4Q 2012 sales tax receipts. Costs for the two months ending February totaled \$232,000, or about 17% of our full year budget. Spending for the first two months is slightly ahead of the full year run rate because we have pre-paid the full year's insurance premium of \$19,000 and bought a "new" used plow truck for \$35,000. Cash in the bank at the end of January totaled \$1,334,000. We continue to benefit this year from a mild winter, allowing the highway department to spend less on snow removal.

February 21 Town Board Meeting: It is looking like a relatively light Board meeting coming up:

1. **The barking dog law** – please review the revised draft of Local Law #1 of 2013 and be prepared to discuss and decide if we want to pass the law as proposed or with any additional modifications.
2. **Appointing Assessor Ken Leggett** to another 6 year term starting October 1, 2013. Ken was the only applicant who submitted a letter of interest in the position.
3. **Appoint or Elect Highway Superintendent** - Discussing whether or not we want to consider appointing not electing the Highway Superintendent when Jim retires in 2015. If we decide we want to appoint the highway superintendent, we will have to take the matter to a referendum. Might make sense to schedule a public hearing on this in April or May.
4. **Borrow \$1.5 million to fix roads** – Highway Superintendent Jim MacArthur has proposed we consider borrowing \$1.5 million for 15 or 20 years to invest in repairing and improving town roads, and repaying the borrowing with a reduction in road repair funds now in the highway department. Highway Superintendent This plan should not cause any increase in property taxes. If we decide we want to do this, it will be subject to a permissive referendum.
5. **Wind Turbine Permit Revocation** - I have notified both Mr. Gershon and Mr. Crocco that the Zoning Enforcement officer will make a determination on the validity of their special use permits issued in 2010, which appear to have been issued based on misrepresentations and a failure to disclose relevant information about the noise problems associated with the Bergey Excel 10 wind turbines. The proposed permit revocation is not designed to prevent the operation of

these wind turbines, but to require that a new application be filed which contains proper disclosures about the noise problems, so they can be reviewed and a plan to mitigate them be part of the conditions regarding their operation. Once the permits have been revoked, there could be a \$200 per day fine for failure to comply and shut the turbines down during the appeal or reapplication process.

County Issue: NY SAFE Act – 17 members of the County BOS voted last week to support a resolution advocating repeal of the NY SAFE Act, which was passed by the NY State Legislature in January following the shootings in Newtown, but noted that there were some sections of the SAFE Act that were worthy of support. The resolution did not specify which parts of the SAFE Act the resolution supported, or objected to, but did state that the process by which the law was passed, without sufficient public input, was a major cause for the repeal action. The resolution also opposed any additional Federal gun control regulations. I was one of 6 Supervisors who voted against the repeal resolution. My feeling is that the law should be amended to clear up ambiguities, correct any errors in drafting, and modify sections our State legislators have had second thoughts about since January. I think the right way deal with the concerns people have about the law is not to repeal, which is not likely to happen, but to continue the dialogue between the citizens groups on both sides of the issue, law enforcement professionals, legislators and the governor. This dialogue has been ongoing since the SAFE Act was passed in January by a bi-partisan majority of the NY State Legislature, and the SAFE Act still has the support of about 60% of New Yorkers. The NY Sheriff's Association has outlined a balanced, sensible and comprehensive approach to dealing with the issues related to the SAFE Act, which you can review on their web site at: <http://www.nysheriffs.org/articles/sheriffs'-response-ny-safe-act>

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

Resolution #16 of 2013: Appointment of Sole Assessor: Whereas the term of the Town assessor ends 9/30/2013, and whereas the Ancram Town Board solicited qualified applicants for this position via public notice in the two official Town papers, and whereas there was one qualified applicant who responded to the ads, a whereas this applicant is the current Town of Ancram Assessor, Mr. Ken Leggett, and whereas the Ancram Town Board believes Mr. Leggett has satisfactorily performed the duties of Sole Assessor over the six years of his current term, therefore it is resolved that Mr. Leggett be appointed as Sole Assessor for the Town of Ancram for a six year term beginning October 1, 2013.

Highway:

Supervisor Bassin stated that he had been talking to Mr. MacArthur about the idea of the Highway Superintendent position become appointed after Mr. MacArthur's retirement. Mr. Bassin asked for the opinions of the other board members. Councilman Miller stated that he is fine with it being elected. Councilwoman Israel stated that she did not want to see the position becoming a popularity contest. Councilman Clark asked what Mr. MacArthur thought were the three key qualifications. Mr. MacArthur felt that the person should be a good leader, have good computer skills and have knowledge of road maintenance. Mr. MacArthur stated that there are pros and cons to either elected or appointed. Some people think that if the position is appointed, then the person can be fired. That is not the case. They have to finish their term and then there is the option of not reappointing them. Councilman Thomas stated that he likes the position as elected as it gives the people a right to choose.

Mr. Dave Dembo asked what the other Highway Superintendents in the state are. Mr. Bassin stated that virtually all are elected.

Mr. MacArthur stated that at this time, the Highway department is working on the firehouse and winter clean-up. Community Cleanup day will be April 27, 2013. Mr. MacArthur is taking over the Veteran's Memorial Committee for Ancram. The Board spoke about the proposal that the town take out a \$1.5 million dollar bond to be paid off over the course of 15 to 20 years. This money would bring all the roads in Ancram up to top shape at the same time. This would not raise taxes because the road repair line would be decreased by the amount of the bond payment. Mr. Bassin asked if the board is interested in this idea. Mr. MacArthur spoke as to the background of this idea. He stated that the current \$300,000 annual road repair budget is not cutting it, and the roads are falling further behind. The Board was concerned that if the roads were all fixed at the same time they would all need to be repaired in 20 years again.

Town Board Members

Councilwoman Israel stated that the Rhoda Lake community received letters pertaining to Camp Pontiac placing herbicides in the lake. The residents of Rhoda Lake are against this as the majority of the lake is in Ancram. CAC will be involved and look into ways to manage it.

Youth Commission

There will be an Easter Egg hunt at the Town Hall on March 24th at 1:00pm.

Communications:

There will be a newsletter sent out in early April. The Communications Committee has been working on updating the website.

CAC

The CAC has been working on a paper about vernal pools.

ZRC

Mr. Clark indicated that the ZRC was reviewing possible modifications to the ridgeline protection regs. There will be another version of these regs before the April Town Board meeting..

Assessor

Mr. Legget stated that all of the exemptions are in. The state is leaning towards a 107% equalization for Ancram. He is working with the state to balance this out. Grievance day will be May 21st.

Other Items

Mr. Bassin announced that the town hall will be celebrating a 10th anniversary this summer as well as a 210th anniversary of the Town of Ancram.

The Board talked about the Barking Dog Law. Mr. Bassin stated that there have been some proposed changes and that the board will have to have a public hearing prior to the next board meeting.

Mr. Hugh Clark gave the following comments via an e-mail that he spoke about:

Since LL#1 of 2009 is not on our website, it's not possible to rationally assess what it contains and how it relates to the proposed text. While I understand not including elements of one law in a related law, I also think that part of making laws "user friendly" is to have all or most of the ground-rules about a matter in one place for relatively easy access by our customers—the citizens of this town.

2. I don't understand why a law that is entitled "Ancram Dog Control Law" and states as its purpose "the prohibiting of certain acts by dogs...to secure and promote the public health, comfort, safety..." contains a provision that says the TB "shall prescribe the work rules and schedules covering the performance of the duties of the Animal Control Officer..." That language seems to belong in a separate law under Admin & Government or in a Town Policy Book or Employee Manual. Come to think of it, where are the "work rules and schedules covering the performance of the duties of the Animal Control Officer" located? This text says the TB must prescribe them, but what happens if the TB has not or does not do so? Does that provide an avenue for the defense in a dog control case?
3. The schedule of penalties and fines appears to be ok with \$50 for 1st, \$100 for 2d, and \$250 and/or 15 days for 3d or more.
4. I am comfortable with no mention of provocation in the law. I'm confident that Wes or any other competent ACO will listen to such an on-the-spot defense as part of his/her investigation and give it whatever weight it deserves.
5. I do not favor limiting the offense to outdoor barking. Whether the dog is located outside or inside when it barks is immaterial. A barking dog in a yard outside can be annoying to a neighbor across the lawn. A barking dog inside can be annoying to a neighbor across the lawn. A barking dog inside can be annoying to a neighbor in the apartment on the other side of the wall, or upstairs, or downstairs. Whether the dog's owner is home at the time is also immaterial.
6. I do not favor "forgetting about barking dogs" and not having such a law.

Councilwoman Israel stated that her dog barks when provoked. Councilman Thomas stated that if a person has respect for their neighbors, then they will not have a problem with this law.

2013 camp fees will remain flat to last year.

The 7/82 intersection work will begin before June.

The Cell Tower on Wilmer Hill Rd. will be operational in July, on Wilmer Hill. Mr. Bassin reported that he had met with a cell tower development company representative rep who was interested in siting a tower in Boston Corner and on Winchell Mountain.

The Town Board has to look at revising the Town Fee Schedule based on the new zoning. Mr. Clark indicated he and the ZRC would identify all fee related items in the new zoning, but would not be making proposals for what the fees should be. Mr. Bassin stated that the various departments (Planning Board, ZBA, Building Department) would make recommendations for revised fees. Mr. Bassin also noted that we needed a fee for logging permits.

Mr. Bassin has not been able to get through to the Landowners Association to determine what caused the explosions reported by Ms. Hundt at the last Town meeting.

Libby McKee asked that the residents of Ancram vote for the hours of operation of the Ancram Post Office.

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

Mr. Bassin adjourned the meeting.

Respectfully submitted by,

Monica Cleveland, Ancram Town Clerk