

**Town of Ancram
Town Board
Regular Meeting
July 17, 2014**

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

Supervisor Arthur Bassin called the town board meeting to order at 7:00pm with a salute to the flag.

Unsafe Buildings Law Presentation:

Mr. Bassin introduced Mr. Jason Shaw, the town attorney. Mr. Shaw was there to present the unsafe buildings law.

Mr. Shaw stated that the law is based on two statues, the first the NYS Law #10 of Home Rule which cites that the towns and villages have authority to adopt a law dealing with the health and safety of residents, and section 103 of the NYS town Law, which allows the towns to adopt laws for unsafe buildings. This new law will allow the town to go on private property and remove unsafe buildings and to bill the property owner.

The inspection of a possibly unsafe building will be done by the town building inspector. He cannot go into homes with this law and cannot remain on the property if asked to leave by the owner. Once a violation has been verified, a notice will be sent to the property owner, via the address listed in the Assessment roll which is considered the property mailing address. If the notice is returned, the town is not liable for this as they properly noticed the official town mailing address for the property. All lien holders will be noticed as well as any tenants. Mr. Ferratto, town building inspector, stated that the study of the property and the remedy will have to come from an engineer. The notice will be filed with the county clerk.

Mr. Shaw stated that section 11 is important because it will allow the town to be paid for work done by the town employees, ie the highway department. Mr. Bassin asked if the property owner did all that the engineer suggested needed to be done, could the town still recover the money they spent on the engineer? Mr. Shaw stated that he did not think the town would be able to put a lien on a property for that, but he will look into this.

Mr. Jack Seiber asked about what would happen if the property is occupied by a third party. He stated that the town cannot put out a family with children. Mr. Shaw agreed that this was a "hole in the law".

Mr. Gerry Fultz pointed out that there has to be a "first" property to be cited under this law. He questioned how the town will decide this. He suggested that the town have a criteria list such as proximity to the public,

proximity to a public meeting area, proximity to neighbors. Mr. Shaw suggested that the town form a policy after the law is passed. He stressed that the enforcement of this law cannot be selective.

Mr. Clark asked about the section in paragraph six. Mr. Clark stated that any building not taken care of will eventually become unsafe and that the town does not know when that exact moment will be. Mr. Shaw stated that it all comes back to timing.

Mr. Ferratto brought up the hearing part of the processes. He suggested that with the notice, or following the notice, an email memo should be prepared and circulated that gives the notice of hearing with the town board along with the date & time.

A member of the audience stated that they felt this law gives too much power to the Building Department and the Town Board.

There being no more comments, a motion was made by Councilwoman Israel and seconded by Councilman Clark to hold a public hearing on the Unsafe Buildings Law on August 21, 2014 at 6:00pm. Motion carried.

Mr. Shaw stated that the town board should fill in a short form SEQRA for this law.

Puppy Mill Law

Anne Rader and Dr. Tina Aiken presented the town with the possibility of adopting a Puppy Mill law. Mrs. Rader stated that the towns in NY are now allowed to write a puppy mill law and she stated that it should go along with a no chaining law. NYC, she stated, has a chaining law.

Dr. Aiken says she supports both laws. She feels that puppy mills are very inhumane and that the puppies will have behavior issues and health issues.

Mr. Bassin asked who is responsible for overseeing and enforcing the State laws on these issues now? Mrs. Rader stated that Wes Powell, the town Animal Officer does, but she says the State laws are very weak. Mr. Bassin asked what a town law would do that the state law could not. Mrs. Rader stated that the town laws would be stricter. She cited a case up north that while resolved, in her opinion it could have had a quicker turn around. Mr. Bassin said he will show the town animal control officer the paperwork Mrs. Rader provided.

At this time in the meeting, Mr. Bassin asked if, after reading through the meeting agenda, did any of the board members see any issue of which they needed to recuse themselves? Councilwoman Israel stated that she had spoken to the Ethics board because she was concerned with the 414 being on the agenda and her being on the library board. Mrs. Israel stated that the Ethics board stated that Mrs. Israel would not be voting on the 414 in a board meeting, just discussing it, so she had no need to recuse.

A motion was made by Councilman Clark and seconded by Councilman Thomas to accept the June 19, 2014 meeting minutes as read and have them placed on the record. Motion carried.

Supervisors Report

Town Issues

1. Financial Report - We ended June with \$1,169,000 in the bank, and pretty much on target in terms of revenues and expenses against the 2014 budget. Barring any unexpected surprises, we should end the year with between \$750,000 and 800,000 in the bank, which will be slightly ahead of year-end 2013.

2. 2015 Budget – We will be targeting flat town property taxes again in 2015. This will be the fifth year of flat or lower town property taxes. 2015 highway and general fund spending should be flat to 2014, with non-tax revenues also flat to slightly higher than 2014. The major discretionary spending issue for us to discuss and decide is whether to include salary increases in the 2015 budget for town employees, and at what level.

3. Library Tax Referendum (414 Referendum) – The RoeJan Community Library has announced it plans to ask Ancram voters to approve a \$30,000 payment to the Library again this year. The proposal, which was narrowly defeated in November 2013, will be on the ballot in November 2014. The Town currently gives the Library \$5000 a year. Hillsdale and Copake approved payments to the Library in 2013 under the 414 program. If the 414 referendum succeeds this fall, the “library tax” can either be part of the 2015 Ancram Town budget, or can be set up as a separate “taxing district” like the Lighting District and the Fire District, and be shown as a separate line on the January 2015 property tax bill. My recommendation is to set it up as a separate line on the tax bill, and take the money out of the Town budget. To do this, we need to pass a local law to this effect. I have attached a draft of the proposed 414 local law.

County Issues

1. Airport – The County will apply for a \$300,000 FAA grant to fund the 300 foot safety area needed to bring the Airport into compliance with FAA safety regs. This may get done in 2014 or 2015, depending on the FAA. And as soon as we can get a new appraisal on the revised avigation easements needed, we will reopen discussions with the owners of the Meadowgreens Golf Course to see if we can work out an easement deal without having to initiate an eminent domain process. This will probably be a 2015 activity.

2. Pine Haven – The RFP for proposals from private operators to buy PH from the County will probably be ready to issue by the end of July, with proposals expected to come back in September. The County has not decided to sell Pine Haven, but is interested in exploring that option as part of the discussion regarding the future of the nursing home. There is no agreement or full understanding yet on what PH is really costing the County’s taxpayers. Loss estimates range from \$1-2 million a year from those who support staying in the nursing home business, to \$3-4 million a year, from those who want to exit the nursing home business. Proposals from possible buyers will help us understand if a private operator can operate the nursing home as well as or better than the County, at virtually no cost to the County’s taxpayers. A second issue, whether or not to invest \$32 million in a new nursing home facility, is on hold until we sort out whether or not we want to stay in the nursing home business.

3. Insurance Issues – The County will be opening up the property and liability insurance policies for bid again this year, and is exploring self-insuring the employee health insurance program. If the County decides to self-insure its health insurance program, it will contract with a traditional health insurance carrier to have access to its network of providers and to process the claims paperwork

Highway

Supervisor Bassin read a letter of commendation and thanks to Mr. MacArthur for his help with a biking accident on East Ancram Road.

Court

Mrs. Wittlinger stated that she is continuing at this time with the courts records management project.

FAC

The FAC continues with their regular reviews. They welcomed a new member, Renee Vaughn.

Ethics

The only issue that came up was the question from Councilwoman Israel regarding the 414 on the meeting agenda.

Youth Commission

The Youth Commission will take their annual trip to the Zoom Flume Water Park on August the 11th.

Communications

The committee is producing a pamphlet to encourage building homes that "fit in" to our scenic, rural, agricultural community.

CAC

They are working on an invasive plants memo. They have two presentations in the future, the first being on September 20, 2014 from 5-6:30pm. They announced that member Joe Hoyt is in China using his knowledge on the loss of bats. He will give a presentation when he returns to the US.

ZRC

The ZRC are working on the first draft of the consolidated law. This includes making sure that the sections flow together and will take some time. The subdivision regulations will have to wait until the zoning law is completed.

Ag Council

They are working on the right to farm law. This will be ready by the first of the year.

Heritage

The committee will hear from Bill Kratinger in the fall. There is a question if whether the Mill should be included in the historic district considering all of the new updates to the structure.

Grants

The grant for the septic engineer study through the DEC has been filed. The town is looking at several options including a municipal system. To outline the options, the study has to be done. The town should hear about this grant around October/November.

A motion was made by Councilman Miller and seconded by Councilman Clark to make the following budget adjustment: to 5132.4 \$10,000 from 5110.4 \$10,000. Motion carried.

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

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

Respectfully submitted by,

Monica Cleveland
Town Clerk