

**Town of Ancram
Town Board
Regular Meeting
June 19, 2014**

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

The regular meeting of the Ancram Town Board was called to order at 7:00pm by Supervisor Arthur Bassin with a salute to the flag.

Mr. Bassin introduced Marissa Cody of the Columbia Land Conservancy. Ms. Cody stated that she had come to the Ancram Town Board to receive 2 letters of support for applications for conservation easement grants for the Osofsky Farm and the Kestral Farm. Ms. Cody stated that unlike in the past when the town would act as the applicant, the CLC only needs letters of support from the board. Ms. Cody stated that both of these properties are only in the application stage.

A motion was made by Councilman Clark and seconded by Councilwoman Israel to allow the town board to sign a letter of support for the Kestral Farm land conservation easement grant. Motion carried.

A motion was made by Councilwoman Israel and seconded by Councilman Miller to allow the town board to sign a letter of support for the Osofsky Farm land conservation easement grant. Motion carried.

Mr. Bassin introduced Howard VanLenten from the Roe Jan Library. Mr. VanLentin told the town board that the library was trying to find a direct way to be a part of the community. The library will be visiting the camp throughout the summer. The Friends of the Library have decided to not continue to stock the book cases throughout the town halls and post offices and have instead decided to purchase cases called "little free libraries". They look like large bird houses and will be set on poles. The library will stock the boxes with both adult and children books. For the summer they will install one at the camp in Blass Park. It will then be moved to the Town Hall.

A motion was made by Councilwoman Israel and seconded by Councilman Clark to allow the Friends of the Library to erect a "Little Free Library" at Blass Memorial Park for the Camp program and then at the end of summer move it to the Town Hall property. Motion carried.

Mr. Ken Leggett, Town Assessor, addressed the board. Mr. Leggett stated that the Grievance Day was very quiet with eight walk ins and six stipulations. The notices have been sent out and the Final Role is being printed. Mr. Leggett stated that he has been notified by the State that Ancram is at a 110% equalization rate. Following the setting of the final roll, the County expert will help Mr. Leggett to go through the roll and do an in house revaluation. He stated that this could save to town upwards of \$100,000.00. Mrs. Hoyt commented that if the higher assessed places are raised, they also have exemptions and the result will be a trickling down to the smaller properties, increasing them. Mr. Jack Lindsey stated that a house on Doodletown Road sold for \$200,000 less than the asking price. Mr. Lindsey asked if the sales of

homes that sell for over the assessment are then increased to the sale price. Mr. Leggett stated that they are not as that is illegal in New York State.

Mr. Leggett proposed that the BAR members pay be raised from the \$10/hr to a flat \$100 for the day. He stated that this is what they do in the Town of Livingston. The town board agreed to this.

Mr. Edward Ferratto addressed the board about the proposed Unsafe Building Law. Mr. Ferratto instructed the board that this law would be for condemned buildings, junk on lawn and derelict buildings. Mr. Ferratto stated that complaints come in mostly by phone and tend to be anything to do with a property from a building falling down to long grass. Most times, after looked into, if it is deemed a legitimate issue, a warning violation or an order to remedy will be issued. The notice will be sent by both certified mail and first class with a copy of the law. Some violations will go without a response. The new law that is proposed would allow a person to be ticketed and brought before the Town Board. A violation will usually cost the town money to prosecute. A local law would make it easier for the Town Justices to enforce the law in Mr. Ferratto's opinion. Mr. Ferratto stated that the process would be first giving a memo to the town board with photos of the property, then the setting of a public hearing a half hour before the town board meeting for the property owner to explain their reasons for the property being in the condition it is in. The Town Board will then decide how to handle the issue. If, once a decision is made, the property is not rectified, then the town can take care of the derelict building. If it needs to be taken down, the board can get three bids for the work, have the work done and then charge the costs on the property bill. Mr. Ferratto stated that the Junk Law and Unsafe Buildings Law have to be different laws. In other towns these laws are used often and that a good response is made when the person knows they will have to come before the town board. Mr. Ferratto stated that if the town issues a violation such as Ancram has in the past, and then does nothing, the town is then liable if something bad happens.

Mr. Jack Lindsey stated that if the town passes this law, then it would make the issues clearer. Mr. Lindsey stated that something similar is on the books in Millerton and he felt that sometimes just the presence of the law is enough to remedy many issues.

Mrs. Donna Hoyt stated that if there is no law, and something happens, it falls on the property owner. Mr. Ferratto stated that this was not true. If the condition of the property is known to the town and nothing is done and something happens, the insurance companies and the lawyers will find some way to go after the town.

Councilman Thomas asked if this would just be egregious cases, or would Mr. Ferratto be looking for properties to cite using this law. Mr. Ferratto stated that he does not have the time to "go looking". Mr. Thomas asked what happens if the owner does not want the town on the property. Mr. Ferratto stated that he cannot be stopped if there is a law in place. He stated that he has broken chains in the past. Mr. Thomas asked if the town is insured for this law? Mr. Bassin stated that the town would have to be.

Councilwoman Israel stated that she felt this was something that the town will have to do.

Councilman Clark stated that he was okay with the law if it is an action taken from a complaint or if the Building Department are aware of an egregious case.

Mr. Bassin asked if it is an option to secure a building or do they have to be taken down to make them safe. Mr. Feratto stated that if they are structurally sound and can be left up and made safe, then that is an option.

Mr. Bassin will contact the town attorney to work on a draft and possibly have him come to the town board to explain it. Mr. Clark stated that he has seen draft laws and that it would be worth roughing out a potential law. Mrs. Israel stated that she felt this was a good place to start. Mr. Miller agreed with speaking to the attorney. Mr. Thomas stated that he is okay with the concept but does not want the town going to look for problems.

Fire Chief

Mr. Boice stated that the department has had 10 calls. He stated that incidents with car accidents often needed helicopters. The department is looking for landowners who have enough property to make helicopter landing zones. The department will be looking for funding for this. Mr. Boice reminded the town that there will be a parade on the 12th of July for the 75th anniversary for the Fire Department.

Ethics Board

Mr. Jack Lindsey stated that they are in attendance to present their findings on a complaint filed in compliance with Local Law #4 of 2011. The board has worked for six weeks on the matter and it has been the most difficult issue to date for the Ethics Board. Member Linda Pulver has recused herself because her family has land affected by the ridgeline law. Mr. Lindsey requested that the board go into executive session to present their findings. The Town Board decided to do this concluding all of the other business before the board.

Mr. Lindsey stated that there is a question before them as to whether the Ethics Board is subject to the Open Meetings Law. Mr. Lindsey asked that this discussion take place at the September town board meeting. Mr. Lindsey stated that the Ethics Board is working under the law enacted by the Town Board and that this law was vetted with the County. The Ethics Board's main concern in researching their findings is the keeping private the people involved.

A motion was made by Councilwoman Israel and seconded by Councilman Clark to approve the minutes of the 5/15/2014 Public Hearing and the 5/15/2014 Regular Board Meeting and have them placed on the record. Motion carried.

Supervisors Report

Town Issues

1. Financial Report - We ended May with \$1,251,000 in the bank, and pretty much on target in terms of revenues and expenses against plan. Barring any unexpected surprises, we should end the year with between \$750,000 and 800,000 in the bank, which will be slightly better than where we were at year end 2013.

2. 2015 Budget Process – We will start the 2015 Budget Process in July. I plan to have the Tentative Budget ready for TB review at the September TB meeting. We will hold public hearings on the 2015 budget in September, October and November, and will adopt it at the November, 2015 TB meeting. I am assuming revenues and expenses in 2015 will be about the same as 2014 levels, and that we will hold property taxes flat again in 2015.

3. Proposed Ridgeline and Steep Slope Regs – We will consider the proposed ridgeline and steep slope law for adoption at the 6/19 meeting.

County Issues

1. Airport – FAA has advised us that because we have under 500 jet operations at the County airport, we can be classified as a B-I airport and will only require a 300 foot safety area, which we can do without any acquisition of land and at a very low cost. Aviation easement requirements will also be less, but we may have to use eminent domain to secure the aviation easements if we are unable to negotiate an agreement with the owner of the Meadowgreens Golf Course.

2. Pine Haven – The County BOS has voted to request proposals from private nursing home operators who may be interested in purchasing Pine Haven. The RFP will probably be ready in 60 to 90 days, and proposals are likely to be in October.

Mr. Jack Seiber stated that the FAC had spent one hour going through the Town Tax Collector books and felt that there were proper controls in place. FAC also reviewed the town books, monthly financial reports and issues going into the 2015 town budget.

Mr. Bassin stated that Comcast has notified us that they are taking over Charter Communications. The town can comment or object to the proposed deal. Mr. Bassin recommended and the TB agreed that no action by the Town Board was necessary.

Mr. Bassin informed the board that there is a new state program to encourage lower property taxes. If the town stays within the 2% tax cap then reduces the taxes by 1% over three years, then a rebate will go to the property owners. The question was asked if the town meets the criteria but the County does not, what happens. Mr. Bassin stated he thought the property owners would get the town portion.

Jane Shannon stated that she felt that running a nursing facility is not something that a county should be doing. Residents need to, in her opinion, get away from the feeling that something is being taken away from them and start to understand that someone will be running the facility who knows what they are doing.

Mrs. Hoyt asked if Mr. Bassin and the Board of Supervisors has done anything about the 10% added to the Central Hudson bills. Mr. Bassin will look into this.

Town Board

Councilwoman Israel told the board that on September 20, 2014 there will be a Roe Jan Ramble Bike Run. She does not know the route but thinks that they will be taking East Ancram, Wiltsie Bridge and Empire. They are asking to use Ancram's name in the publications. Proceeds of the Ramble will go to the expanding of the rail trail.

The following resolution was offered by Councilman Miller and seconded by Councilman Clark and moved for adoption. Motion carried.

Resolution #9 of 2014: Roe Jan Ramble Support

Be it resolved that the Town of Ancram will welcome the bicycle riders of the Roe Jan Ramble to its scenic roads on Saturday, September 20, 2014, proceeds to support the Harlem Valley Rail Trail. It is further resolved that the town of Ancram agrees to have its name used in promotional material, and that there will be absolutely no costs of any kind to the town associated with the Ramble. The Town of Ancram endorses the Roe Jan Ramble, along with the towns of Copake and Hillsdale.

Highway

Superintendent announced that the town has gotten the repaired grader back. The town ended up getting the only part left in the United States and fixed the machine for \$1500.00, not the proposed \$35,000.

Planning Board

They will be having a public hearing on a subdivision.

Ethics Board

Mr. Lindsey stated that the findings of the ethics investigation will be available through the Town Clerks office with a FOIL request. Donna Hoyt asked if the Ethics investigation will affect the Ridgeline vote and would it be prudent to put the vote off till the next meeting. Mr. Bassin stated that it will depend on the findings of the ethics investigation. He said felt that if a majority of the board is advised to recuse, then the vote will not be taken.

Youth Commission

Swim Lessons sign ups will be the seventh and eighth of July and the pool is ready to open.

ZRC

The ZRC is working with Nan to consolidate the revisions into a law.

Grants

The sewer grant has been filed and the match for the grant can be in soft costs.

The following resolution was offered by Councilman Thomas and seconded by Councilman Miller and moved for by a roll call vote. Motion carried unanimously.

Resolution #10 of 2014: Audit of 2013 Town Books and Records – Whereas, all members of the Town Board and Financial Advisory Council received and reviewed monthly Town financial reports during 2013, and

Whereas, members of the Financial Advisory Council and Town Board have reviewed the financial processes and controls and underlying financial books and records of the Town Supervisor, Tax Collector and Town Court for the year ending 2013, and

Whereas, members of the Town Board and Financial Advisory Council have completed the financial management checklists for the Town Supervisor, Town Tax Collector and Town Court provided by the NYS Comptroller's Division as part of the Comptroller's Division Fiscal Management Manual, and

Whereas members of the Financial Advisory Council and Town Board have concluded that the 2013 books and records of the Town Supervisor, Tax Collector and Town Court have been maintained in a satisfactory manner,

Therefore it is resolved that the Ancram Town Board approves the 2013 books and records of the Town Supervisor, Tax Collector and Town Court, and , **that it is further resolved** that Town Board has met its responsibilities for financial oversight and review and audit of the financial management processes and procedures of the Town of Ancram, as required by Town Law.

Mr. Mike Citirin spoke about the proposed 414 referendum for the funding from Ancram for the Roe Jan Library. Last year this lost by 26 votes. Mr. Citirin stated that a better campaign job will be done this year. Last year an increase in Copake and Hillsdale went through.

The following general budget adjustment was offered by Councilwoman Israel and seconded by Councilman Miller and moved for adoption. Motion carried.

From 1620.42 Electric to 1620.41 Propane \$700.00.

The following highway budget adjustment was offered by Councilman Thomas and seconded by Councilman Miller and moved for adoption. Motion carried.

From 5110.4 General Repairs to 5130.4 Equipment Repairs \$15,000.00

Councilman Thomas stated that the town has two different gas companies with a 25 cents difference. Mr. Bassin stated that when the Town Hall ran out in the winter, Long Oil would not bring gas right away, but Dutchess would. Mr. Thomas asked if this could be fixed for 2015.

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

A motion was made at this time by Councilwoman Israel to adjourn the meeting to executive session to discuss a matter which could result in recommended disciplinary action against particular persons. Motion seconded by Councilman Clark. Motion carried.

Executive Session

At this time the board returned from executive session. A motion was made by Councilman Miller and seconded by Councilwoman Israel to come out of an executive session where the board discussed a matter that could result in recommended disciplinary action against particular persons. Motion carried.

Mr. Bassin asked at this time if any of the Board Members wished to recuse themselves from the proposed second resolution for the meeting, the Ridgeline Protection resolution. No member wished to recuse themselves.

The following resolution was offered by Councilman Miller and seconded by Councilman Thomas and moved for adoption. Motion carried by a roll call vote.

Resolution #11 of 2014:

RESOLUTION ADOPTING TOWN OF ANCRAM ZONING LAW AMENDMENT: Section V (H) Ridgeline and Steep Slope Protection

WHEREAS, the Town of Ancram adopted a Comprehensive Plan, which is a statutorily recognized instrument under Town Law §272-a for the immediate and long-range protection, enhancement, growth and development in a Town; and

WHEREAS, The Town of Ancram Comprehensive Plan encourages the Town to improve its zoning ordinance to be more effective and efficient; and

WHEREAS, the Town of Ancram Town Board created the Ancram Zoning Revisions Committee to draft changes to the Ancram Zoning Ordinance as recommended in the Town of Ancram Comprehensive Plan; and

WHEREAS, the Ancram Zoning Revisions Committee, after careful review, prepared a draft amendment to the Zoning Ordinance related to the protection of ridgeline and steep slopes in accordance with the adopted Town of Ancram Comprehensive Plan with the assistance of a professional planner and attorney; and

WHEREAS the Town Board submitted the proposed Zoning Ordinance amendments (Package 4) to the Columbia County Planning Board as required by NYS General Municipal Law 239-m and received approval and comments back from them within the allowed 30 day review period, and

WHEREAS, sub-section V(H) was revised to address the comments from the Columbia County Planning Board; and

WHEREAS, the Town Board held multiple public hearings on the updated Section V(H) Ridgeline Protection, and

WHEREAS, the Town Board had previously declared itself Lead Agency and conducted an environmental assessment according to SEQRA, 6 NYCRR Part 617; and

WHEREAS, the Town Board, after declaring itself lead agency on December 20, 2012 and after consideration of the Full Environmental Assessment Form Part I and Part II on January 17, 2013, found that the proposed amendments, including ridgeline and steep slope protection, would benefit the environment when future development occurs and would not cause significant adverse impacts; and

WHEREAS, such SEQRA determination included the discussion, review, and analysis of potential significant environmental impacts related to the proposed ridgeline/steep slope development standards; and

WHEREAS, the Town Board on February 21, 2013 adopted Package 4 zoning amendments with the exception of Section V (H) Ridgeline Protections so as to incorporate such suggestions offered by the County Planning Board and to address issues raised by the public related to such section; and

WHEREAS, the Town Board asked the ZRC to conduct a comprehensive analysis to identify critical ridgeline and steep slope areas that contribute significantly to the community character of Ancram, and such analysis was done via GIS tools, field reconnaissance, and public input; and

WHEREAS, the ZRC analysis resulted in a map that is accepted as important ridgeline and steep slope areas in Ancram and is incorporated into a ridgeline and steep slope overlay protection district map; and

WHEREAS, the Town Board has reviewed the original negative declaration dated January 17, 2013; and

WHEREAS, the Town Board has identified the relevant areas of environmental inquiry related to the ridgeline/steep slope protection zoning and taken a hard look at them; and

WHEREAS, the Town Board has issued an amended negative declaration pursuant to SEQRA Part 617.7 (e) thereby complying with the mandates of the State Environmental Quality Review Act; and

WHEREAS, the Town Board had approval pursuant to NYS General Municipal Law 239-m for adoption of the original Package 4 which included the ridgeline protection section and this updated Section V(H) incorporates the suggestions made by the County Planning Board.

**NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE
TOWN BOARD OF ANCRAM, COLUMBIA COUNTY, NEW YORK:**

THAT THE Town Board of the Town of Ancram hereby adopts the Town of Ancram amendments to the Zoning Ordinance of Section V(H) including the Ridgeline/Steep Slope Overlay Protection District map; and

THAT THE Town Board shall enter these amendments into the minutes of the Town Board and shall publish a summary or abstract of these amendments once in the official newspaper of the Town; and

THAT THE Town Board instructs the Town Clerk of the Town of Ancram to maintain a file in her office in the Town Hall to contain all parts of these amendments; and

THAT THE Town Board ensure that all parts of these amendments be posted on the Town's website; and

THAT THE Town Board cause affidavits of the publication and posting of the amendments be filed with the Town Clerk.

Mr. Bassin asked for comments from the Town Board Members on the proposed Ridgeline Protection law.

Councilwoman Israel stated that she felt that this was a very poor compromise. She felt that the town lost more than they will ever gain. Mrs. Israel stated that she had had a conversation with Mr. Clark and that she said that she felt that she cannot imagine any Town Board in the future opening the discussion on this issue again. She felt that all structures should have been included, not just the majors.

Mr. Clark read from the following statement .

We're here to engage in final deliberations about, and to vote upon, Supplemental Regulation V (H), Ridgeline and Steep Slope Protection.

As reported in January 2008, in a town-wide survey, 84.3% of respondents cited "protecting woodlands" as important and 75.5% of respondents cited "protecting ridge tops from development" as important—more than "improving town roads," "improving town centers," "attracting businesses and jobs, and "encouraging residential development." "Protecting scenic views and landscapes" was ranked even higher in other elements of the survey (83%), close behind "programs to preserve farms, farmland, and open spaces" and "programs to preserve forestlands/wildlife habitats."

This priority was reflected in the Comp Plan vision, and in Goals 1 and 2, which repeatedly state "We protect our environment and our important scenic views....Minimize negative impacts to visual and scenic resources..." These are the ends to be obtained.

Guidance about the ways and means to attain those ends is largely captured in Comp Plan Detailed Strategies 2.10 (Steep Slopes), 2.11 (Ridgeline Protection), and 2.14 (Visual Impact Analysis).

There have been four official proposals to the Town Board for SuppReg V (H).

On behalf of the varied members of the Zoning Revisions Committee, I brought to the Town Board in September 2012, in April 2013, and in May 2014, the recommendations of that committee about what scenic terrain should be protected and how to protect it—while also respecting the rights of property owners.

Subsequent changes in each of those recommendations reflected the judgment of the majority of ZRC members as they focused upon the ends articulated in the vision and goals, while honoring feedback from community members and the Town Board.

It is absolutely true that Detailed Strategy 2.11 (Ridgeline Protection) says that “these requirements will be mandatory for major subdivisions, and encouraged for minor subdivisions.”

It’s also true that at no time did the ZRC disregard Comp Plan or Town Board guidance, including guidance about application to major and minor subdivisions.

However, a majority of the ZRC did repeatedly conclude that requiring standards solely for majors, while merely encouraging for minors, was not likely to attain Goals 1 and 2, and therefore was unlikely to attain the ultimate vision of the Comp Plan.

This is not a perfect law. I concur with the majority of the ZRC that too much emphasis has been placed on the strategy, and too little on the ends that are supposed to be achieved. However, it is the best this Town Board can do at this time.

With that reality in mind, and with gratitude to all members of the ZRC who devoted tremendous amounts of time, talent, and judgment to this project, I join with my colleagues on the Board and vote “aye.”

Ms. Bonnie Hundt commented on the Ridgeline. She stated that the ZRC went through a long exhaustive process and that she is disappointed in the law. She feels that it does not go far enough in her opinion. She stated that she would have voted no for it. She also commended Hugh Clark for all of his work.

Mr. Bassin thanked Mr. Clark for all of his work.

Motion made by Mr. Clark and seconded by Mr. Miller to adopt the Ridgeline and Steep Slope resolution. Unanimously approved.

Neighbors Helping Neighbors at this time handed over a check to help fund 6 children for summer camp this year.

A motion was made by Councilman Clark and seconded by Councilman Miller to adjourn the meeting. Motion Carried.

Respectfully submitted by,

Monica R. Cleveland
Ancram Town Clerk