

**Town of Ancram
Town Board
Regular Meeting
April 17, 2008**

Present: Supervisor Thomas Dias Councilman Robert Podris
 Councilman James Bryant Councilman Gerald Roberts
 Councilman John MacArthur Town Clerk Monica Cleveland
 Town Attorney Jason Shaw

Others: Gerry Boice, Harold Miller, Madeleine Israel, Joan DeLuca, Paul Deluca, James McCormish, Bob Calame, Jim Stickle, Perry Miller, Art Bassin, Abram Kells, John Kearney, Jean Lilley, Rob MacArthur, Nancy Bryant, Ron Brant, Jean Brant, Bob Roth, Hank Rothvoss, Rich Bitel, Kristen Davenport, Larry Stockle, Joan Roberts

The regular meeting of the Ancram Town Board was called to order at 7:07 pm by Supervisor Thomas Dias with a salute to the flag.

A motion was made by Councilman Bryant and seconded by Councilman Podris to accept the March 21, 2008 minutes with amended clerical errors. Motion carried.

Supervisor Dias read the Supervisors Financial report. A motion was made by Councilman Bryant and seconded by Councilman Podris to accept the report with the amendment of changing the name of the Capital Buildings account. Motion carried.

Correspondence

1. Letter to Clum from the court prohibiting the dumping of CD material on their property. The court order prohibits the dumping of the waste and requires the removal of the materials already dumped. A deadline will be set. Town Attorney Jason Shaw stated that if the materials are not removed, the town will then take action and remove them and charge the land owners.
2. Supervisor Dias stated that he has read the 1970 Ethics Law and will be copying it and hanging it in appropriate places where the town employees are.

Old Business

Supervisor Dias asked if any of the board had comments about the proposed Dog Control/Leash Law, Local Law #1 of the year 2008.

Councilman Bryant stated that he felt that the law was well written.

The following resolution was made by Councilman Bryant and seconded by Councilman Podris.

Resolution #12 of 2008: The adoption of Local Law #1 of 2008; The Control of Dogs/Leash Law

RESOLVED: That the Town Board of the Town of Ancram does hereby pass the proposed Local Law #1 of 2008, the Control of Dogs/ Leash Law, as read.
Motion carried.

Supervisor Dias stated that the town board is in the process of discussing the public comments on the proposed Noise Ordinance. Councilman Bryant stated that he feels it may be to the town's benefit to draw up a table that would show the weaknesses and strengths of both the old and the new law. Attorney Jason Shaw stated that after having to prosecute a case with the current Noise Ordinance, he feels that it is inadequate and the penalties are too low. He stated that he researched the current laws in other towns. He understands that this is a rural community and that the law needs to be written to reflect this. Councilman Podris stated that he feels it is too restrictive where the other was too weak. Mr. Shaw states that it was not restrictive for activities already taking place. Councilman MacArthur stated that the lawn care business is not agricultural. Mr. Shaw clarified that the noise is not measured at the machine making the noise but at the property that is complaining. Councilman Roberts stated that there were five points of major concern at the public hearing and that those need looking at. Mr. Dias stated that the mill has four pages of complaints. Mr. Shaw stated that he will go over the points of the law with the public and bring examples of different decibels to the next meeting.

The Highway Garage building gave a report. Councilman MacArthur stated that there was no reasonable answer for the problem at this date. The committee is possibly looking for land. The DEC has been at the current facility. At this time a 100 – 150 foot easement is needed to be near the water area. A needs assessment is needed to be drawn up by the Highway Superintendent. A six to seven acre piece of property is needed and then a building. Mr. MacArthur stated also that in the end the decision will be up to the tax payers. There were no questions from the board.

The Ancram Mill Committee met with the mill manager. The difficulty the mill is having is that a key piece of machinery needs to be brought from Mass. The business will know if the ball field is needed by April 24th. The committee consists of Councilman Roberts, Councilman MacArthur, Donna Hoyt, Dave Boice and Supervisor Dias. They are waiting to hear back from the mill at this point.

Mr. Roth gave a report on the Cell Tower Committee. They have met with the cell tower company and have found an appropriate piece of land. AT&T and Verizon have said that they will not come to the area. It was suggested that the neighboring towns get together and build a tower. Supervisor Dias has spoken to two of the three towns.

Supervisor Dias commented on the Rockefeller Bridge. He stated that Senator Saland funded \$150,000.00 to purchase a portable bridge for Columbia County, to first be used in Ancram. The bridge is coming from England on a boat. At this time the footings are being put into place. Once here the bridge will take a total of seven to eight days to be put into place.

Supervisor Dias stated that on April 16, Denise Sigler, Rob MacArthur and Supervisor Dias met at the Hall Hill Road washout. With no more money coming from FEMA, the town needs to look at the least costly solution. It is suggested to have riprap put into place and then plant willow trees. When the creek rises, it will go over the rap. The costs are being looked into. Councilman Roberts asks about the \$4,000.00 (\$4,260.80) bill in the highway bills this month for Morris Associates. He thought that the original amount agreed on was \$8,000.00 for the project proposal and that has already been hit. Councilman Bryant stated that the bill had been authorized by the Highway Supervisor. Supervisor Dias stated that due to the accumulation of large bills that are not fully justified, he fired Morris Associates. The Board decided to pull the bill.

Privilege of the Floor

Supervisor Dias asked for questions or comments from the floor concerning items discussed during old business.

Mr. Kells asked if the new Dog Law effected the loose dogs in the area. Mr. Dias stated that he would get him a copy of the dog law.

Mr. Hank Rothvoss asked how the proposed noise ordinance will be enforced. Mr. Dias stated that the deputies and the code enforcement officer would have a meter which would cost the town \$40.00 a piece. They would be trained. Mr. Rich Bitel suggested the board take a conservative look at the issue. Some residents work with heavy machinery and Ancram is a rural community. Mr. Dias stated that there will be another public hearing for the law once a new one is drafted. Mr. Jim Stickle asked why go to the bother when the town attorney wants to leave it the way it is.

Mrs. Nancy Bryant asked the board if they are sure they want to allow a pulp mill to be brought into the town due to their smell. Mr. Dias stated that there are preventive measures for the smells.

Mrs. Bryant asked why the town choose willow trees for Hall Hill. Mr. Dias stated that they are well known for being fast growers and have a strong root system.

New Business

Mr. Dias presented Kristen Davenport with an award for being crowned Miss NYS Dairy Princess. She gave an overview of her duties. Mr. Dias stated that she comes from a great family and the award is an outstanding achievement.

Supervisor Dias asked for a budget amendment of \$24,266.00 to pay for the new Highway Pickup truck. Councilman Podris stated that the truck does not include a plow. Mr. Dias suggested having the company send a new bid with a plow included. Mr. Podris stated that it has to be rebid and published. Highway Superintendent MacArthur stated that the truck is to be delivered on June 9th. Councilman Bryant asked why a bid

was accepted when there was no other to compare it to. Councilman Roberts stated that the board was told that the local Cord dealership did not do state bids when in fact they do. He suggested getting the lowest bid possible. Mr. Dias stated that the board needs to make sure there are no liabilities. If the dealer understands the problem and the town can get out of the deal, then the town can look at the state bid. Councilman Roberts asked if the specifications meet the towns. Mr. Dias stated they did.

Supervisor Dias stated that he has spoken to the DEC concerning Floods Sanitation. He has met with Peter Brinkenhoff, Mr. Rothvoss and Mr. Flood. The DEC found discrepancies and administrative tickets were issued. Mr. Flood has a permanent permit that can be reviewed. Mr. Flood is open to discussion with the town board and will answer questions they may have. The DEC has full control over Floods operations as well as audits of the site but does not prohibit the town from their local land use controls. If the land is sold, Mr. Dias wonders if the permit goes with it. Mr. Shaw stated that the permit can be transferred to the new owner.

The Planning Board of the Town of Ancram has sent a letter to the Town Board asking how they should proceed on a subdivision taking place on Westfall Road. The asked the following questions. 1. What are the town's responsibilities to keeping the road safe and is the town liable if something happens regarding emergency vehicles not being able to get up the road. 2. What portion of the road are the owners responsible for financially. 3. How to proceed with the subdivision. Mr. Jason Shaw stated that this is not an issue for the Town Board that the Town is only responsible to keep the road safe and passable. Mr. Sigler of the Planning Board stated that the road is substandard and they are trying to decide if the town is liable. Mr. Dias stated that the town is only liable to maintain the roads and keep them passable. Mr. Shaw stated that most town roads are not up to spec. He suggested having the Fire Chief and the Highway Superintendent look at the road. Mr. Roberts stated if it is a town road it will be maintained to town standards.

Supervisor Dias asked to have the Town Barn and the Blass Ball Field surveyed. There are no surveys on file. It will cost \$800 for the Town Barn but he is not sure on the cost for the Ball Field. A motion was made by Councilman Roberts and seconded by Councilman Bryant to have the Ball Field and the Town Barn surveyed. Motion carried. Councilman MacArthur said to make sure to have it flagged.

A motion was made by Councilman Bryant and seconded by Councilman Roberts to purchase the following items for the town hall: Town Clerk Mailbox- \$75.00, Town Clerk Safe- \$289.99, A coat rack- \$356.98 and a waste basket for the entryway- \$216.00. Motion carried.

A motion was made by Councilman Bryant and seconded by Councilman Roberts to have an outside garbage can for \$32.00 a month. Motion carried.

Second Privilege of the Floor

Larry Stockle addressed the board. He has a problem with water draining onto his property. He had Gerald Simons and Mr. Podris look at it in the past and Mr. MacArthur has not come up with a solution. The issue starts on a town road and the new larger pipe has made the issue worse. He feels that it is impacting his business in a large way. Councilman Podris, Mr. MacArthur and Mr. Dias will visit the site.

Mr. Dias stated that the town is having a retirement party for Joan Roberts on April 27, 2008 from noon to 2pm.

Mrs. Alice Thorn asked when Grievance Day will be. May 27th was the answer. Councilman MacArthur stated that a decision will not be made that day, but at case by case. She also commented on the buildings in Ancram that are falling down. Mr. Dias stated that the APG is trying to purchase one of the buildings and that the building inspector is aware of the situation.

Alice Thorn suggested that the town have a farmers market through the summer and is willing to head the program. Mr. Dias asked her to come back with a final proposal. The town will work with her.

Mr. Hank Rothvoss stated that the DEC hearing on Floods was held the 14th and referred it to their legal department. The Town of Copake turned it over to their attorney. Mr. Dias stated that the board will discuss this.

Mr. Art Bassin stated that the Comp Plan will be having an input session. Mr. Bill Grossi stated that the Town of Milan's Comp Plan was disputed and reversed. Councilman Bryant will contact Milan.

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

A motion was made by Councilman Bryant and seconded by Councilman Podris to adjourn to executive session to discuss a legal issue. Motion carried.

Executive Session

The Board comes out of executive session.

A motion was made by Supervisor Dias and seconded by Councilman Podris to allow the expenditure of \$2,500.00 for Taconic Days, \$500.00 of which is for the tent rental. Carried.

A motion was made by Councilman Roberts and seconded by Councilman Podris to allow Supervisor Dias to purchase a digital projector and screen. Motion carried.

Councilman Roberts gave his report on ZEO John Florio. Mr. Dias stated that he has improved. The board decided to pull files and each speak to contractors and residents who have worked with the office.

Resolution #13 o 2008: The Appointment of a Grant Writing Office

RESOLVED: That the Town Board of the Town of Ancram does hereby appoint Charles Dodson the grant writer for the Town of Ancram in conjunction with Copake and Hillsdale. The Town will pay him \$4,000.00 over the course of three years, \$1,000.00 for each of the first two years and \$2,000.00 the third year. Motion made by Supervisor Dias and seconded by Councilman Podris. Motion carried.

Councilman Bryant stated that the Town Board at this time has a Highway Committee, a Mill Committee, a fire Committee, and a Comprehensive Plan Committee. Mr. Dias stated that the Mill Comm. may come together with the APG on the falling bridges. Mr. Bryant stated that the end goal needs to be defined. He feels that the information gathered from the Comp plan survey needs to be looked at by all of the committees. Councilman MacArthur stated that this was only 28% of the people. Mr. Dias stated that you cannot get everyone. Councilman Roberts stated that the firehouse bond and the highway bond will have to be paid and that the mill could be gone in 10 years. The market at this time is going down. Mr. Dias stated that all of the towns in the county have similar plans. Mr. Roberts stated that the town is stirred up. Mr. Dias stated that this is good. Mr. Roberts cannot see a small town having 2 project over one million dollars each.

Councilman Roberts stated that the \$43,000.00 that FEMA sent was earmarked to keep the road from eroding and if not used properly they could ask to have it back. Mr. Dias will called DEC and SEMO.

A motion was made by Supervisor Dias and seconded by Councilman Podris to allow test borings to be made by the mill at the park. Mr. Bryant stated that this was not a good idea because we do not know what is in that park. Motion carried by three votes for, (Mr. Podris, Mr. MacArthur and Mr. Dias) and two votes against (Mr. Bryant and Mr. Roberts).

A motion was made y Supervisor Dias and seconded by Councilman MacArthur to adjourn. Motion carried.

Respectively Submitted by;

Monica Cleveland
Town Clerk