

**Town of Ancram
Town Board
Regular Meeting
December 18, 2008**

Present: Supervisor Thomas Dias Councilman John MacArthur
 Councilman Jack Lindsey Town Clerk Monica Cleveland
 Attorney Jason Shaw

Supervisor Dias called the regular meeting of the Acram Town Board to order at 7:03 PM with a salute to the flag.

Mr. Dias stated that the town of Ancram had pulled through the ice storm and most all of the citizens had power back. Mr. Dias stated that the residents of the town needed to remember that the Town Hall is a designated emergency location and in the event of an emergency in the future, the building can be opened by any elected official.

Mr. Dias thanked Councilman Jack Lindsey for all of his hard work as Councilman over the past months. Mr. Lindsey stated that it was an honor to serve and that he did what he thought was best for the town while in office.

A motion was made by Councilman Lindsey and seconded by Supervisor Dias to accept the November 20, 2008 minutes as read and placed on record. Motion carried.

Mr. Dias stated that the board has in their packets e-mails and correspondence that the board has received over the month.

Mr. Dias read the following financial statement:

General Checking:	-\$1,583.48
General Savings:	\$199,287.15
T&A Checking:	\$45,610.09
Capital Equipment:	\$19,605.83
Capital Building:	\$315,109.43
Highway Savings:	\$51.22
Highway Checking:	\$33,290.68
CDBG:	\$1,000.00

A motion was made by Councilman MacArthur and seconded by Councilman Lindsey to accept the financial report as read. Motion carried.

Old Business

Mr. Bob Roth introduced Mr. Benedict McCaffree, Regional Representative for Congresswoman Kirsten Gillibrands office. Mr. McCafree stated that his office had been called because the Town of Ancram was unable to get any response from cell tower companies to come into the town and build a cell tower. Mr. McCaffree held a meeting

with Mr. Greely Ford. Mr. Ford set forth what the three towns need to accomplish including site accusation and building a tower. He stated that there was a good possibility that the three towns could get on the list for 2009 to have a tower built. He stated that he hoped that between this meeting and January 15, 2009 the demographics can be obtained. He stated that his office is very concerned that this area has no cell service to access emergency responders. Councilman MacArthur asked who the provider would be. Mr. McCaffree stated that Mr. Ford is from AT&T. Mr. MacArthur stated that most residents have Verizon cell. Mr. McCaffree stated that AT&T is the first on who is willing to come to the area. Once the tower is built, then the other companies can join. Mr. MacArthur asked if this would take a year to build. Mc. McCaffree stated that ideally by the end of 2009 it will be built. Mr. Terry Boyles asked if the company prefers town property to put the tower on. Mr. McCaffree stated yes, but they are willing to look at other locations. Mr. Abram Kells stated that three acres are needed to build a house; is this also true for a tower. Mr. Roth stated that it will need one acre. Mr. Dias stated that the building of the tower is of no cost to the town. Mrs. Hoyt asked where the possible town property is. Mr. Dias stated that it would be the Highway Garage and the Town Hall property.

Mr. Dias began discussion on the Fire District Resolution spoken about at previous Town Board meetings. Mr. Lindsey stated that the resolution is subject to a permissive referendum which means that in 30 days if 5% of the voting population petition, then the resolution goes to a vote of the residents. Mr. Lindsey stated that the piece of property that is in question is on the lower part of the parking lot used by the Fire District and consists of approximately .3 acres. The Town would exchange this piece for the sum of \$1.00 and would ask that the Fire District pay the transfer costs there may be. Mr. Dias stated that the Town Attorney may want to redue the document because following a conversation he had with the fire department, the fees are a non issue with them. Mr. Shaw stated that the fees would include the cost of filling the document. He suggested that the town also get a written description of the property because that will be needed for the paperwork. He stated that this may be a couple of hundred dollars at the most. The map of the property has been posted thirty days thus far and the resolution will be posted with the map for thirty days, beginning today.

RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM AUTHORIZING THE TRANSFER OF TOWN REAL PROPERTY TO THE ANCRAM FIRE DISTRICT

At a Meeting of the Town Board of the Town of Ancram, held at the Town Hall in said Town, County of Columbia and State of New York, on the 18th day of December 2008, at 7:00 pm there were:

Present: Supervisor Thomas Dias, Councilman Jack Lindsey and Councilman John MacArthur

***WHEREAS**, the Town of Ancram owns a 3.05 acre parcel (“Town Parcel”) adjoining property owned by the Ancram Fire District; and*

***WHEREAS**, a September 15, 2008, survey map shows that a small portion of the northeast corner of the Town Parcel has been improved by the Ancram Fire District and is presently being used by the Fire District; and*

***WHEREAS**, the Town does not use or occupy that portion of the Town Parcel used by the Ancram Fire District, has no plan to use or occupy it, and the property is presently being used by the Fire District for a public purpose for the benefit of the residents of the Town;*

***NOW, THEREFORE, BE IT RESOLVED AND DETERMINED**, pursuant to the provisions of #64 of the Town Law, and subject to a permissive referendum, as follows:*

- 1. In consideration of one dollar, the Town of Ancram, subject to subdivision approval, will convey to the Ancram Fire District that piece and portion of the Town Parcel as depicted on a September 15, 2008, survey map entitled "Survey Map Showing Lands of the Town of Ancram" prepared by surveyor Lyndon Chase.*
- 2. The Town Supervisor is authorized and directed to prepare and sign all documentation necessary to bring about said transfer.*
- 3. Subject to the Permissive Referendum requirements discussed herein below, this Resolution shall be effective immediately; and*

***BE IT FURTHER RESOLVED**, that pursuant to 82 and 90 of the Town Law, and within ten (10) days form the effective date of this Resolution, the Town Clerk shall post and publish a notice which shall (a) set forth the date of the adoption of the resolution, (b) contain an abstract of such resolution concisely setting forth the purpose and effect thereof, and (c) specify that this resolution was adopted subject to Permissive Referendum; and shall publish such notice in the Independent, a newspaper published in Columbia County having general circulation in the Town of Ancram; and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Ancram, a certified copy of such notice within (10) ten days after the date of adoption of this resolution.*

Motion by Supervisor Dias, seconded by councilman Lindsey and duly put to a vote which resulted as follows: 3Ayes Carried.

Supervisor Dias stated that he has had conversations with other banks and town supervisors about the proposed remote banking services. He stated that at this time, by banking with Kinderhook bank, the town is charged no fees for the accounts. He stated that the Salisbury Bank stated that they would charge a fee of \$75.00. Mr. Dias stated that the NYS banks are allowed to charge fees although Kinderhook does not. Mr. Dias said that Key Bank would also like to give a quote. Mr. Dias suggested staying with the Kinderhook Bank for the time being. Councilman MacArthur suggested waiting until the January meeting.

Mr. Dias turned the floor over to the town Attorney Jason Shaw to discuss the Carter Communications Contract. He stated that he has looked over the lengthy document and feels that there may be some items left out. He stated that the contract is the companies

effort to keep the right to provide cable to the Town of Ancram for the next 10 years. He stated that there will have to be a public hearing on the contract and that the residents can voice their opinions. He stated that the town can negotiate to some extent regarding issues such as the percentage of revenue. At this time the town receives 2.5% of the gross revenue. He stated that he is not yet ready for the public hearing process. Mr. Bob Roth asked if this would give Charter the exclusive right to providing for Ancram. Mr. Shaw stated that it does not, but he did not see another company coming in. Mrs. Madeline Israel asked if the town can request extending the cable limits to homes that do not have access. Mr. Shaw stated that the town can negotiate lowering the amount of households per mile. Mrs. Donna Hoyt asked if there were any smaller length of contract options other than 10 years. Mr. Shaw stated that there is not a lot of subjects allowed to be negotiated on and that he will look into this. Mr. Terry Boyles asked if the town is covered if the company sells out. Mr. Shaw stated that the rate is set by the Public Service Commission and not a part of the contract.

Privilege of the Floor

Mr. Bob Roth stated that he (as the cell tower committee chair) met with the Verizon company and that they could not make a decision. He stated that he will go further with it. Mr. Dias stated that Gillibrands office has a CEO for that company in the area.

New Business

Mr. Dias stated that the Town Board has to propose a resolution to allow the bookkeeper to make the year end transfers. He stated that there are several account lines that need money and that various departments had no control over their budgets this year. Councilman Lindsey stated that as of November 2008 there were seven charge lines over their limit. Councilman MacArthur stated that there are several departments overspending. Mr. Lindsey stated that the board has tried to cut the budget but that this will only remain if the departments stick to their budgeted amounts.

Councilman MacArthur offered the following resolution, seconded by Councilman Lindsey:

RESOLUTION TO ALLOW YEAR END TRANSFERS

RESOLVED: That the Town Board of the Town of Ancram does hereby allow the Town of Ancram Bookkeeper Brian Fitzgerald to make the year end transfers for the Town accounts.

Motion carried.

Mr. Dias made a motion to allow Budget Transfer #3 of 2008, \$31,000.00, to be moved from the General Account to the Highway Account. Motion seconded by Councilman MacArthur. Mr. Dias called the vote. Mrs. Sue Bassin asked if she could pose a question to the board. Councilman MacArthur stated that questions can only be heard during the privilege of the floor. Councilman Lindsey asked why someone cannot ask a question. Mr. Lindsey stated that he is not comfortable with the expenditures and that he sees no reason for not being respectful to the public and allow them to ask a question. He asked Mr. Shaw if the board can hear the question. Mr. Shaw stated that the action already

made can be rescinded and then the question asked. Mr. Lindsey stated that he sees no problem with making the resolution later on after the second privilege of the floor and allow the public to comment. He stated that in general he is in favor of the transfer but also has no problem with public comment. Mr. Dias called for the vote. Two Votes yes, Councilman MacArthur and Supervisor Dias, and one vote no, Councilman Lindsey. Motion does not pass.

Mr. Dias stated that the County is applying for disaster relief from the ice storm. The costs are being compiled and an answer should be forthcoming when the area is designated a true disaster area.

Mr. Dias stated that the insurance company contacted him and stated that any organizations using the town hall will need a letter of insurance. He stated that the Mill did have such documentation when they used the building for contract meetings.

Mr. Dias stated that Selective Insurance, the towns insurance, has done an infrared scan at the town hall and everything was in order.

Mr. Dias stated that he has received a quote from the Kleeber agency and that the quote for 2009 is \$19,141.00. For 2008 it was \$21,188.00. He stated that he asked about the possibility of the town having a floater to insure those using the town hall who do not have insurance and he was told that this would be an extra cost of \$600 - \$1,000.00.

Mr. Art Bassin gave a report on the Comprehensive Plan Committee. He stated that they have finalized the proposed strategies and action plans. The draft forms of these are being circulated. The committee plans to hold strategy workshops with the community in February and have formal public hearings in March of 2009. The CDBG project team has received reports from the Laberge Engineering on proposed changes to the 82/7 and 82/8/3 intersections and on the septic options for Ancram. A preliminary design concept has also been received that depicts a revitalized center of Ancram which requires the Firehouse to be moved. The committee is still waiting to hear on the Farmland Protection Plan Grant funding contract. Mr. Dias asked those interested to look at the maps in the conference room.

Mr. Dias told the Councilmen that there was a report from the Building department in their packets. For November the department issued 3 new building permits, 2 renewed permits, 1 data search and issued 6 CO's.

Mr. Baxter Stickle Jr. wrote to Mr. Dias asking if the Town would like to allow the County to post the towns tax bills on the internet. This will allow the property owner to print an additional copy of their bill. The site will not show current information, only what the tax bill looked like as of Jan 1, 2009. Mr. Dias stated that he has signed the town up for this option.

Mr. Dias stated that he received a Bankruptcy disclosure from a America Home Mortgage Holdings. Mr. Shaw stated that he will read it over. Councilman Lindsey

stated that it may be possible that this was one of the companies the town has in the past had investments with through our FDIC holdings.

Mr. Dias stated that the Town received a request letter from the Independent Newspaper to be designated the town paper for 2009. Mr. Dias stated that this would be discussed at the organizational meeting.

Mr. Dias stated that the Town Board has in their packets a preliminary proposal from the Hillsdale, Copake and Ancram Grants Office. He asked that they read it through.

Mr. Dias told the board members that there is an E-Mail from Mr. Bassin regarding the CDBG invoices and how they should be handled.

Michele Graziano, daughter of the town dog catcher Jo Ann Graziano, wrote a letter stating that her mother wishes to resign from being the dog catcher as of December 1, 2008 due to poor health. She stated that she would like to take over the position and assures the town that she has been working with her for a year and a half.

The following resolution was offered by Councilman MacArthur and seconded by Supervisor Dias

RESOLVED: The Town Board of the Town of Ancram does hereby allow Michele Graziano to continue as the Town of Ancram Dog Control Officer for the 2008 calendar year.

Motion carried.

Mr. Dias stated that he has put in the Councilmen's packets the letter received from Kinderhook Bank regarding an overdrawing of one of the towns accounts. He stated that it was a simple error and has been taken care of. The paper is for informational purposes.

Privilege of the Floor #2

Mr. Bob Mayhew stated that by not appointing another person the Board at the last meeting, the bills will not be paid because a motion to move money cannot pass. Mr. Lindsey stated that Mr. Jim MacArthur is not at the meeting to explain what the \$31,000.00 is needed for. Mr. Lindsey stated that he felt people should be able to give their input and ask questions. Mrs. Donna Hoyt stated that when the three councilpersons-elect were elected it was thought that they would be appointed to fill the vacant seats. Mr. Lindsey stated that the new councilmen wanted to take their seats before their public elected terms began and that he had e-mailed all of the new elected officials and offered a compromise that would allow the town vote getter to fill in if there was an emergency. Mrs. Hoyt stated that she looked into this and it was illegal. Mr. Lindsey stated that in a case such as this there are special provisions put in place.

Mr. Lindsey asked Mrs. Bassin to ask her question. Mrs. Bassin stated that she agrees with Mr. John MacArthur with keeping to budgets and that this is not a discipline the town has had in the past. Her question was on monthly financials. She wondered if there was a way for the board to track how the departments are doing each month budget wise. Councilman MacArthur stated that he follows the financial report as he signs vouchers.

Councilman Lindsey asked why this financial breakdown cannot be posted at the meeting. Mrs. Bassin asked if the \$31,000.00 was coming from the general fund or the reserve account which is already 1/3 of what it should be. Mr. Dias stated that the Town Board has the authority to move money between budget lines. Once the money goes into the highway fund though, it cannot come back out. Councilman MacArthur stated that the money is needed for the Brush and weed account which holds the fuel money. Mrs. Donna Hoyt stated that the new town board will be having Budget Workshops beginning the 1st Thursdays of the month in February. Each department will have to propose where their money is going.

Mr. David Boice stated that the Kinderhook Bank does not charge fees but did state that there was a \$1500.00 charge for the banking equipment. The \$75.00 for Salisbury Bank was to rent that same machine.

Mr. Mike Citrin asked what the difference was between the Capital account and the Unexpended. Mr. Dias stated that at the first workshop the bookkeeper will explain this. Mr. Citrin stated that if the Capital Reserve funds were set up by resolution, it cannot be used except for Capital projects. Mr. Dias stated that it is not set up by a resolution.

A motion was made by Councilman MacArthur and seconded by Councilman Lindsey to allow Budget Adjustment #3 of 2008, \$31,000.00 from the General fund to the Highway fund. Motion carried.

Mr. Murphy stated from the audience that with the new administration that all projects should be on the books and that the board should put together a list of the projects for the highway.

Mrs. Israel stated that there may be groups who would like to use the Town Hall who do not have insurance. Mr. Lindsey stated that the Ancram Angels had to purchase a floater. He stated that the APG has a floater that covers all events and it is \$600.00 for 30 events. Mr. Dias stated that he wants to protect the town. Mrs. Hoyt stated that the Ancram Angels event had alcohol and that the town cannot have that liability. Mr. Weiner asked if only organizations needed a rider and not individuals. Councilman MacArthur stated that only organizations using the building would need to do so.

Mr. Dias stated that in the coming year the Town Board will have workshops the 1st Thursday of the month. Mrs. Israel stated that this is the night the planning board meets and maybe the Town Board should speak to them. She stated that they have always met on this night. Mr. Dias suggested they choose a different room in which to meet. She stated that they need space to lay out maps and such. Mr. Dias stated that the Planning Board may have to choose a different night.

A motion was made by Supervisor Dias and seconded by Councilman Lindsey to pay the town bills that have the money allowed for them in their accounts. Motion carried.

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

Respectfully submitted by,

Monica Cleveland
Town Clerk