

**Town of Ancram  
Town Board  
Regular Meeting  
November 20, 2008**

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

**Others (as signed in):** Jessica Sachs, Ancram MacArthur, Mike Citrin, Nancy Bryant, Linda Dias, Art Bassin, Bob Calame, James Miller, Robert Mayhew, Jim Evers, Flo Evers, Sheila Clark, Hugh Clark, Lynn Miller, Betsy Boyles, Casey Miller, Joan DeLuca, Paul Deluca, David Chittick, Sandy Kilmer, David Dembo, Linda Gabaccia, Robert Mathews, John Ingram, Tom Gumm, Marguerite Gumm, Patrick Mason, Mary Boice, Kermit Hoyt, Michael Barton, Sue Bassin, Adrine Citrin

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Mr. Dias welcomed all present and introduced the new councilmen-elect.

Mr. Dias called the regular meeting to order with a salute to the flag.

The following addendum was put forth by Councilman Lindsey as a correction to the November 6, 2008 Town Budget Public Hearing Minutes.

The addendum is a correction to paragraph four.

“The 2009 Town Budget is proposed at \$1,047,976.00, compared to the 2007 Town Budget as enacted a \$1,151,164.00. The overall budget reduction suggested for 2009 totals \$103,188.00. This constitutes an 11.15% reduction from the 2008 budget instead of the 33.27% as stated in the minutes of the November Public Hearing.

The total amount of the Town Highway Budget including salary lines proposed for 2009 is \$921,600.00 out of the overall budget of \$1,047,976.00. Thus, proposed expenditures will constitute 88% of the overall 2009 Town Budget rather than the 70% as stated in the above referenced Public Hearing Minutes. “

A motion was made by Councilman Lindsey and seconded by Councilman MacArthur to accept the October 16, 2008 and the November 6, 2008 minutes with the proposed addendum, and have them placed on record. Motion carried.

Mr. Dias read the following financial statement:

General Checking:	\$12,969.92
General Savings:	\$160,836.70
T&A Checking:	\$62,322.48
Capital Equipment:	\$19,598.31
Capital Building:	\$361,950.18

Highway Savings:	\$51.22
Highway Checking:	\$33,284.30
CDBG:	\$1,000.00

Mr. Dias stated that to date there is \$190,683.00 in unexpended funds. Councilman Lindsey stated that of the \$190,000.00 not all of the money is expected to roll over into 2009. Many department heads stated during the budget workshops that most of their 2008 budget balances would be sent by years end. Mr. Lindsey asked Mr. Dias where the almost \$499,000.00 is located. Mr. Dias stated that it is spread out over several accounts. Mr. Lindsey explained to those gathered that the State Comptroller's office and the Association of Towns publications suggests that based on Ancram's tax base and number of residents, the town should have about three and a half times this amount, (about 1.5 million) in a reserve account. Mr. Dias stated that with this new budget, the town is working towards this goal.

Mr. Dias stated that he has a packet of E-mails and correspondence that the Councilmen can look at at their convenience.

### **Old Business**

Mr. Bob Roth came forward and gave a report regarding the cell tower committee. Mr. Roth stated that has sent a letter to Senator Saland and that his office is in touch with Verizon. On December 18, 2008, Congresswoman Gillibrands office will be at the Town Hall to speak about the issue with the town. Mr. Roth stated that the cell tower will be soon.

Mr. Dias brought forth a resolution written by the town attorney Jason Shaw regarding the Ancram Ball Field property. Mr. Shaw prepared the resolution to allow the town to give the Fire District the land that it occupies on the Northeast corner of the property. This would be a permissive referendum, meaning that it is not effective for 30 days and will only go for a town vote if within that thirty days five percent of the voters sign a petition asking for such a vote. A public notice will have to be put in the paper once the resolution has been adopted by the board. Mr. Dias made a motion to adopt the resolution. Councilman Lindsey suggested that the board take the resolution to read over and then make a decision at the December meeting. Councilman MacArthur stated that he would vote for the resolution if it included a guarantee that the maintenance of the property be done by the Fire District. Mr. Lindsey suggested that the map of the property and the resolution be available in the Town Clerks office. All were in agreement and the decision will be picked up at the December board meeting.

Mr. Dias stated that he had asked the representatives from the Kinderhook Bank and Salisbury Bank to give a presentation regarding their remote deposit systems. The representative from Kinderhook bank stated that Mr. Dias had asked him several questions about their remote depositing system. He stated that if Ancram does begin using the system, we will be the first municipality. Because we are a municipality, we

will not be charged any fees yet there are fees for the actually machinery and computer capabilities. To buy the machine costs \$1500.00 or the town could opt to lease it. The checks would be scanned and deposited directly from the Town Hall. This saved the employees from going to the bank and making deposits up until 6pm. He suggested that the town also look into bank by mail. Jessica Sachs from the Salisbury bank addressed the board. She stated that the Salisbury Bank has been a bank for 150 years. They have banks in Connecticut, Massachusetts and New York. They are opening a bank in Millerton in the summer of 2009. She stated that their remote deposit system is called e banking and is done through the internet. It includes a small scanner that costs \$75.00 a month. This also includes training and installation. The program also includes ACH and Check ZI processing. The checks deposited would be virtually indorsed and would have next day availability. The images would then be available to be viewed for 2 to 3 years. One other option is the ability to take telephone payments. Mr. Dias thanked both of the representatives and stated that the board will make a decision at a future date after discussion.

Mr. Dias drew the boards attention to a letter that he wrote the state comptroller during last winter. The letter was asking the comptroller to proceed with an audit of the town, in particular the building department. Mr. Dias stated that with the new bookkeeper, many of the issues had been resolved and that the audit may not happen for some time.

Mr. Dias stated that he received a contract renewal from Charter Communications. He asked Attorney Jason Shaw to explain. Mr. Shaw stated that the contract is a franchise renewal contract. He stated that under law before a renewal is signed the town has to have a public notice in the paper asking for town comments. He stated that the renewal states that it will provide 3 ½ % of the total gross revenue from the previous year each year. Under the law, Charter has an opportunity to request a public hearing that would have to be published ten days prior. Mr. Shaw stated that there is no length of time noted. Mr. Dias stated that he can ask the bookkeeper for the amount of revenue received this year from charter. Mr. Lindsey stated that the board should not have a public hearing until the amounts are known. Mr. Shaw stated that he will do more research and then report to the board with this at the next meeting. Mr. Dias stated that the contract can be signed in January if it is not ready in December.

Mr. Dias read a letter received by the town board by the community rescue squad. The letter is dated November 12, 2008 and stated that the 2009 amount requested of the town for the rescue squad is \$64,982.00, a 2.5% increase over last year. They stated that they are aware that the town has cut the budgeted amount for the rescue squad by 50%. They feel that a 50% reduction in contributions could effect the wellbeing of the town residents. They requested a meeting with the town board. They stated that the town residents need to be informed that 50% of their responses will be eliminated due to the cut. They ask that the board sign and pass an attached agreement. Mr. Dias stated that the other area supervisors are making arrangements to possibly adopt a flat tax for the rescue squad to their property tax bills. Councilman Lindsey stated that the rescue squad have hired an attorney to help them construct a flat tax. At this time, every time someone uses the ambulance services it costs a flat rate of \$750.00 when used. With the possible

flat tax rate, each person in the town would be covered for approximately \$87.00 per year. Councilman MacArthur asked if any of the board members has read the charter for the rescue squad. He stated that he thought that the rescue squad could not cut off service when their charter list Ancram as a service area. Mr. Dias stated that other towns have also given the squad a reduction for 2009. He stated that the town will continue to work with the rescue squad and work out a means to keep continued service. Mr. Lindsey asked if Mr. Dias was planning on meeting with them. Mr. Dias stated that he is planning on attending a meeting with the rescue squad and the other town supervisors involved.

Mr. Dias stated that he has obtained the contract between the Town of Ancram and the Young at Hearters. He has received a receipt for services provided by the town for the group but stated that he needed the original receipt. He said that the group more then qualified for the funds and that once the correct documents are received, the matter will be taken care of.

### **Privilege of the Floor**

Mr. Receipt stated that last year the town increased the rescue squad contributions by 100%.

Mr. David Boice stated that the Rescue Squad made a presentation earlier in the year. He stated that the Town of Copake did not fully fund the squad last year and he doesn't believe that they can cut off service. He stated that the Fire District is funded by a flat tax and that they are volunteer. The rescue squad is not volunteer. Mr. Lindsey stated that he would like to have the fire districts input on the requirements for the tax.

Mr. Tom Gumm addressed the board stating that he felt that the rescue squads letter was a threat and that he suggested that the town look into whether Community Rescue Squad is the only one allowed to be hired in the area. Mrs. Donna Hoyt stated that at \$87.00 per person times the 1200 properties in Ancram, the amount comes to over \$100,000.00, well over the amount asked for for 2009. Mr. Lindsey stated this was due to added costs. Mr. MacArthur stated that right now the town pays the rescue squad as well as the person using the service. By state law, they have to bill. Mr. MacArthur stated that if the rescue squad is subsidized, then the tax payers should not have to pay anything.

Mr. Thomas asked if the new tax would be voted on by the public. Mr. Dias stated there would be a referendum. Mr. Thomas asked why the town does not bank in Copake. Mr. Dias stated that he has done some researching at the County and found that there were issues in the past with one of the banks in Copake. Several towns in the County took their money elsewhere. Councilman MacArthur stated that it is costing the town \$142.00 a month for banking due to the Supervisor charging mileage. He insisted there has to be a way for the town to cut that down. Mr. Dias stated that he does not like to have large amounts of money on hand.

Mr. Mathews asked if the money is placed in Salisbury Bank, is it in an interest bearing account. Mrs. Sachs stated that the accounts will be money market accounts and that

they will have pledged security. Mr. Mathews asked if the system included cash, Mr. Dias stated it was only for checks.

Mr. Tom Gumm asked why the town board did not know how much revenue came from the Cable Company when they just worked on the budget. Mr. Dias stated that there was no accurate amount known and that this is the challenging part of putting together a budget. Mr. Gumm insisted that the town board should have an amount. Councilman Lindsey stated that there is no itemization for that figure. He suggested sitting down with someone from Charter. Mr. Dias stated that the town may have negotiation power. After reading through the financial report, Mr. Lindsey stated that it looked as though the town had received \$4,958.00 from Charter this year; based upon Supervisor Dias 2008 revenue source sheets used in the development of the 2009 budget.

Mrs. Sue Bassin stated that Copake is the closest town with a bank, why can't the town look into moving their money to one of those banks. Councilman MacArthur stated that that had been his point, there are two banks within five miles of Ancram.

**Resolution #16 of 2008: Budget Amendment #3 of 2008**

Supervisor Dias made a motion seconded by Councilman MacArthur to pass the following resolution:

RESOLVED: That the Town Board of the Town of Ancram does hereby allow budget amendment #3 of 2008 to be made. The amendment is as follows:

Transferred from:	DA 5142.1: \$28,000.00	
	DA 9060.8: \$19,723.00	
	DA 02401: \$3,000.00	
	DA 02680: \$500.00	
	Appropriated Fund Balance: \$15,000.00	Total: \$66,223.00
Transferred to:	DA 5110.1: \$28,000.00	
	DA 5110.4: \$29,223.00	
	DA 5130.4: \$3,000.00	
	DA 5140.4: \$6,000.00	Total: \$66,223.00

Resolution carried.

Councilman Lindsey asked Highway Superintendent MacArthur which expenditures he felt were going to run over. Mr. MacArthur stated he felt the account to run over would be the fuel and machinery account. Mr. Dias stated that as Highway Superintendent, Mr. MacArthur has full right to move money around his Highway accounts throughout the year as he sees fit.

Mr. Dias drew the boards attention to the 1970 Ethics Policy. He stated that he has given a copy of this to all of the Highway employees. Mr. Lindsey stated that the code should be updated due to the age of it. Mr. Shaw stated that he had just recently updated an Ethics Code for another town and he could share it with Ancram if they would like. Mr. Dias stated that the county does also have an Ethics Law.

Mr. Dias stated that the board has a letter from Leah Miller in their packets to read. He thanked her for her letter and stated that he liked hearing from a cross section of the town.

Mr. Dias stated that the board has a copy of the building departments activity report. Mr. Dias stated that he feels that some of the towns fees are out of date and that when there is a stronger board they need to be looked at. This will be checked and clarified at the next board meeting.

Mr. Dias stated that he has looked at the Technology-4-All quote and that it seems high. He thinks that the town should maybe look elsewhere for the upkeep of the website. Clerk Monica Cleveland stated that she thought that the town has a three year contract with the current provider.

Highway Superintendent MacArthur told the board that he has a possible grant, which if awarded, would give the town a bucket truck and three pieces of turf equipment to be shared with the towns of Copake and Hillsdale and the Taconic Hills School District. This grant is matching funded and Mr. MacArthur stated that the town would have to pay \$8,000.00 (10%) if awarded. This grant is funded by our Shared Municipal Service Incentives Grant Program. Councilman MacArthur asked how much the equipment would cost if the town bought them outright. H. S. MacArthur stated that it would be around \$200,000.00 with the bucket truck costing \$180,000.00. Councilman Lindsey stated that he would like the board to look into this more and asked when it needed to be passed and signed. H. S. MacArthur stated that it needed to be done during this meeting. Councilman MacArthur asked what the cost is of subcontracting for tree work. H. S. MacArthur stated that right now Central Hudson charges nothing but if the town had to hire a tree company it runs \$1,000.00 a day for a truck and company. Supervisor Dias stated that he thought the board should apply for the grant. Councilman Lindsey asked if there was a potential in reducing the cost, possibly splitting the \$8,000.00 equally between the highway budget and the general budget. H. S. MacArthur stated that if awarded, he would pay for the entire \$8,000.00 from Highway funds and it was agreed that this would be the funding source of the matching grant if it was awarded.

**Resolution #17 of the year 2008:**

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

RESOLVED: That we the members of the Town Board of the Town of Ancram do hereby support the grant application of the Taconic Hills Central School District and the Towns of Copake, Ancram and Hillsdale for the New York State Department of State 2008-2009 Shared Municipal Service Incentives Grant Program.

BE IT FURTHER RESOLVED: If the School District and the three Towns receive this grant, the funds would be used to purchase a new 75' Bucket Truck and three pieces of Turf Equipment to be shared equally by the School District and the Towns. The joint ownership of this equipment will enable the School District and the three Towns to have the use of this specialized equipment that they could not afford to purchase on their own and would eliminate duplication of equipment among the four Municipalities. Also, the Taconic Hills Central School District and the Towns of Copake, Ancram and Hillsdale agree to pay equally the 10% local share requirements of this grant.

Resolution carried. Councilman Lindsey stated that it should also be in the minutes along with the resolution that in accordance with the resolution, if awarded, Mr. MacArthur agreed to pay for the \$8,000.00 matching funds out of the 2008 or 2009 highway budget funds.

Supervisor Dias read the following letter from Ruth Wittlinger regarding the Ancram Youth Commission:

*I am writing this letter because I am unable to attend the Town Board meeting this evening. I would like to ask the board to put to a vote whether or not the Ancram Youth Commission can run any more functions this year or are we not to. At our last event we had an unfortunate and freak situation occur which was handled responsibly by all 5 of the adults chaperoning the event.*

*After this I called Mr. Dias and stated that we have two more events, one for November and one for December. I was told in no uncertain terms to cancel these events. When I questioned him about why, the answer was "because I am the Supervisor and said so." I personally feel this should have been a Board decision and not something that was to be decided unilaterally by one person. Being we had vendors involved with these events, I cancelled them.*

*I have been involved with the Youth Commission for about 10 years. We have been working very hard to build programs for the children of the Town of Ancram, possibly letting them experience things they may not have in their own lives. One example is our Commissioner, David Boice. David has been on the commission and Commissioner for almost 25 years. I think the board is making a great mistake in asking for his resignation due to bidding on town maintenance that his company does. It is a volunteer position and has nothing to do with the Youth Commission. Chief Boice brings the children around the fire company and the trucks and helps instill into them the duties and responsibilities of a fireman. He also helps with their values of volunteerism in our community volunteers of tomorrow. His resignation from the Youth Commission would be an unjust to the children of the community.*

*In conclusion, I would hope that the Board would reconsider asking David Boice to resign from the Youth Commission and also to put to a vote to let us at least have the Children's Christmas Party in December. I ask that you do not put a halt to what we have worked for over the last 10 years. The only ones who will suffer will be the children of Ancram.*

*Respectfully submitted- Ruth Wittlinsler; Youth Commission member*

Councilman Lindsey stated that he did not know the board had asked for the resignation of Mr. Boice from the Youth Commission. Mr. Boice stated that it was explained to him that there might be a conflict of interest. Mr. Lindsey asked by whom? Mr. Lindsey stated that the services that Mr. Boice is paid by the town to provide have nothing to do with his volunteering on the Youth Commission. Mr. Dias stated that he had received a letter of resignation from the Youth Commission from Mr. Boice dated November 3,

2008. He stated that Mr. Boice had resigned with deep regret. Mr. Dias stated that the initial conversations had begun because the costs of lawn maintenance warranted the town to place the contract out for bids. It was thought that if Mr. Boice bid on the contract, it would be a conflict of interest that he also was the Commissioner of the Youth Commission. Mr. Dias stated that he felt he was protecting the town by canceling all of the Youth Commission activities until the situation with the insurance company was cleared up. He stated that his goal is to protect the town. He stated that through hear say he had heard what he described as “questionable actions and behaviors” at the youth commissions activities and felt that the safest thing was to halt all activities for now and in the future move forward. Councilman Lindsey stated that because the youth commission is a board appointed commission, it is a board decision whether to cancel activities or not and that Supervisor Dias did not have the authority to make this decision. Mr. Lindsey stated that the insurance company should be contacted and consulted. He suggested thinking twice about the decision and that the entire board should vote. He stated that he felt that the youth commission activities should resume. Councilman MacArthur stated that what happened at the Lock In was an accident and that it does not mean all activities should be canceled. Mr. Lindsey stated that the manner in which Mr. Dias responded to the situation was not a good. He suggested that the board reject the resignation of Mr. Boice and stated that he should in good conscience bid on the lawn maintenance. Mr. Dias stated that the board asked no one for their resignation and that this was up to the person. Councilman Lindsey asked Mr. Boice if he would like to withdrawal his resignation. Mr. Boice stated that he would still help and be an active part of the Youth Commission activities even if he is not on the board. Attorney Shaw stated that he would look into the Ethics provision, which would govern this, and report back on if there is a conflict of interest. Councilman Lindsey stated that the ethics concerns and conflicts of interest should be looked at across the board that that they should be applied equally. He stated that when the board voted on the 2009 budget, Councilman MacArthur voted as a board member and brother of the Highway Superintendent. Mr. Lindsey stated that Mr. MacArthur should have reclused himself from the vote just as he, Mr. Lindsey, reclused himself from the decision being made on the quilt donation from the APG. Mr. Lindsey stated that he felt that the Ethics need to be looked at as well as the conflicts of interest but that this needed to be done fairly and across the board. No one person should be singled out. Councilman MacArthur stated that the budget would not have passed if he had not voted due to the board only having three members. He stated that his being on the Board should have no bearings on which ever of is family members happen to also be town employees or elected officials. Mr. Shaw stated once again that he will look at the 1970 Ethics Law and possibly that it should be revised. Mr. Shaw stated that the current law does not define certain words, most importantly the word employee and what that entails. He questioned whether Mr. Boice would be considered a town employee or not and stated that this could not be resolved tonight.

A motion was made by Councilman MacArthur and seconded by Councilman Lindsey to reappoint Mr. David Boice as Commissioner of the Youth Commission. Motion carried.

A motion was made by Councilman MacArthur and seconded by Councilman Lindsey to resume with all scheduled Youth Commission Activities. Motion defeated by Supervisor Dias due to the towns current insurance issue.

Councilman Lindsey asked if the board was in agreement that Mr. Dias did not have authority to cancel the Youth Commission events on his own. Councilman MacArthur stated that the decision needed to be a vote. Mr. Shaw stated that if the situation is an emergency and a board quorum cannot be met, Mr. Dias can act as Supervisor of the Board and make an emergency decision. Mr. Boice stated that the Christmas Party will be held at the Ancram Fire House. Mr. Shaw stated that at some point in the past, authorization was given to the commission to allow activities to be held at the Town Hall and this has been ongoing. He suggested that the town talk to the insurance company about this and do an evaluation. Mr. Dias stated that he became aware that there was a lack of protection with the permission slips. The insurance company has seen it and felt that there was a need for a statement of liability. Mr. Dias stated that the permission slip was as is a "worthless piece of paper". Mr. Boice stated that the youth commission has used the building with the permission of the building manager. He stated that he has not seen the permission slips. He stated that usually all of the events are held with the parents staying and slips are not needed. This event was well supervised, 8 children with 5 adults. He stated that this was an accident. Mrs. Donna Hoyt stated that if the town does not want to stop the two events, why not contact the insurance carrier and purchase a rider for them. She stated that the town may no longer be covered to allow children to use the building. Councilman MacArthur suggested shutting the doors and not allowing the public to use the building in that case. He stated that people pay taxes and like the use of the building.

Mr. Mike Citrin gave a presentation to the Town Board regarding a new town highway garage. He suggested that the town build a Sprung building to be built on the current or any other site. The total cost of \$645,000.00 (complete and finished) including \$115,000.00 for new land or to fix the current site. He stated that the town can lease with and option to buy for \$350,000.00. It can be erected in as little as 22 days, can be moved and is guaranteed for 20yrs on the outside and 30 yrs on the inside. It is built to NYS code. Mr. Citrin broke the costs down as such: a 80' x 110' building, the building at \$350,000.00; the inside finishing at \$130,000.00; the utilities at \$50,000.00 and the estimate of the site prep at \$115,000.00; the total being \$634,000.00. Mr. Citrin showed various pictures of Sprung buildings. Mr. Dias thanked Mr. Citrin for his presentation and stated that when the new full board takes office, the proposal will be discussed.

Town Clerk Monica Cleveland read the following Public Notice.

*Be advised the Town of Ancram will be accepting bids on the following items: Bank run gravel, Item #4 gravel, Crusher run 7/8 minus, hot and cold mixed asphalt, #3 stone, #4 stone, 1/4" washed crushed stone, 1/2" washed crushed stone, Item #4 processed gravel, screen fill, binder, 6F asphalt, sand for snow and ice control, 1/4" washed gravel. Bids will be accepted at the office of the Highway superintendent, 32 Maple Lane Ancramdale NY 12503 until 3:00pm. November 20<sup>th</sup>, 2008. Bids will be opened at the regular town board meeting, November 20, 2008 at the Town Hall County Route 7 Ancram NY 12502.*

*Bids will be effective for one year starting January 1, 2009 through December 31, 2009. All bids must be accompanied with a letter of non collusion. Monica Cleveland, Town Clerk, Town of Ancram.*

The following bids were received:

**A. Colarusso & Son Inc.**

R.O.B.- \$5.50, Item #4- \$8.55, Processed Item 4- \$8.00, Sand for Sand and Ice Control- \$10.50, ¼” washed- \$7.50, Crusher Run 7/8 minus- \$8.55, #3 (1 ½”)- \$10.30, #4 (2” – 3”)- \$10.60, 1A’s ¼” washed- \$11.00, #1 ½” Washed- \$10.30, Screen Fill- \$7.55, #1 & 1A’s Washed- \$10.50, #2 (¾”)- \$10.30, Base- \$65.00, Binder- \$65.50, 6F- \$72.50, Type 7- \$76.30, Shim- \$84.75, Cold Patch- \$82.00.

**Red Wing**

¼”- \$6.00, 3/8”- \$8.00, ¾”- \$8.00, 1”- \$8.00, Tailings- \$6.00, R.O.B. Gravel- \$6.00, Crushed Gravel Item 4- \$9.00, Ice Control Sand- \$10.00, Screened Top Soil- \$18.00.

**Bryant Mines**

Washed Stone; 3/8”- \$12.50, ¾” \$12.50, 1 ½”- \$12.50, Tailing 2” to 6”- \$9.00, Screened Stone; 3/8”- \$9.00, ¾”- \$9.00, 1 ½- \$9.00, Washed Sand; NYS Spec.- \$12.00, Ice Control- \$12.00, Conn. Spec- \$12.00, Mason Sand- \$12.00 Item #4 processed gravel- \$9.00, Screen fill- \$8.00, Bank Run Gravel- \$8.00.

**Lane Construction**

Binder Hot Mix Asphalt- \$74.25, 3/8” Top Hot Mix Asphalt- \$80.50, Dense top hot mix asphalt & cold mix- \$87.50

**Amenia Sand & Gravel**

Type 1 base- \$64.50, Type 3 binder- \$65.15, Type 6F top- \$70.00, Type 7 top- \$71.50, Winter mix (Cold patch)- \$80.00, ¼” Crushed washed stone- \$19.00, ½” Crushed washed stone- \$17.00, #2 ¾” Crushed washed stone- \$17.00, Crusher run- \$16.50.

A motion was made by Councilman MacArthur and seconded by Councilman Lindsey to accept and enter into bid with the following companies: Colarusso, Amenia Sand and Gravel, Bryant Mines and Red Wing. Motion carried.

**2<sup>nd</sup> Privilege of the Floor:**

Mrs. Mary Anne Roche asked why the board had not appointed additional councilmen, that she had thought that the two highest vote getters from the November election should be appointed. Mr. Dias stated that he was maintaining that the appointments be put off until after the elections so that the board could appoint the two candidates the residents choose with the most votes cast. Mr. Dias, also stated he thought the September minutes, which state his intentions concerning the appointments differently, have an error in this regard. Mr. Dias also stated he had had “spirited” conversations with Mr. Lindsey concerning this subject. Mr. Dias turned the floor over to Mr. Lindsey.

Mr. Lindsey first explained to the gathering how the minutes are recorded and established as the public record of meetings, and the importance of their content to the towns

proceedings. At the board meetings, it is the Town Clerk's responsibility to compile an accurate record of the discussions and decisions made at the town meeting by taking notes and tape recording the meeting. The Town Clerk then takes these records and creates the initial minutes of the meeting, which are distributed to the Town Council members for examination. Each Council member has the opportunity to suggest changes or clarifications to the initial content of the minutes, submitting these to the Clerk. The Clerk then checks the suggested alterations or additions submitted by each Council member against her own meeting recordings and notes to confirm their accuracy or appropriateness and if found to be contained in her record, revises the initial minutes record to reflect the suggested changes. The Town Clerk has the sole authority, as recorder, to revise the minutes of the meetings based on her records and notes. These revised minutes are then redistributed to the Council members for re-examination for accuracy a second time. These twice examined minutes, which are public record, and available for public examination to everyone. They are then presented at the next months Board Meeting to be entered into the public record by the vote of the Town council.

Mr. Lindsey then stated that at the October Board meeting, the minutes of the September 18, 2008 board meeting were thus compiled and entered into the town record with a motion initialized by Supervisor Dias, seconded and approved by the Board. He quoted the following section from those minutes in the public record:

“Mr. Dias stated that the Town now has a quorum with three votes but that the board will not be a full board until the new terms of the elected officials begin in January of 2009. The board may decide not (to) appoint any other members for the time being, although, Mr. Dias stated, they have discussed appointing, following the election the winners of the election with the most votes to the board. These appointed members would not have full board voting rights until they are sworn in at the January meeting. Mr. Dias also stated there will be no action taken on the Town Highway Garage until the new board takes over.”

Mr. Lindsey continued, stating “that this information reflecting the town Board's, based on what has been discussed at the September board meeting, was conveyed to the public during questions at the Democratic Caucus before the November elections, and while he had not been present at the Republican caucus, he has been told it was also conveyed during it. As a result, whether this information influenced anyone's vote or not, the voters had information from the town board and from pre-election publications going into the November elections that the terms of the new council members would not begin until January 1, 2009.

Mr. Lindsey stated that a motion can be made to invite two or three to join the board without full voting rights. He stated that he called the State Comptroller and the Association of towns and that the town has the authority to decided whether to appoint them or not. But, Mr. Lindsey stated that just because the town has authority does not mean they should do this. He stated that the September minutes reflect that the Councilmen-elect could be appointed but without full voting rights. Mr. Lindsey stated that he was told by Tom that by upholding this decision, the town would then see the true Jack Lindsey. Mr. Lindsey stressed that the town voted for people be placed in terms that

begin in January. Mr. Lindsey stated that following this national presidential election, the federal government has not asked President Bush to step down to appoint President-elect Obama. He stated that the town board should follow the terms as published prior to the election. Councilman MacArthur stated that this was a governmental decision. Councilman Lindsey stated that he asked Mr. Dias what was so pressing in the next five weeks that these people had to be on the board now and received no clear answer so will ask again the same question now. He stated that Mr. Dias had a draft agenda in place until this morning that had the question of these appointments under new business. Mr. Lindsey did not understand why it was dropped from the agenda and he presented the altered agenda to the meeting. Mr. John Ingram stated that there is not altering of terms, that nobody is being replaced. He stated that this is to avoid conflicts and to have a full board with five votes. Mr. Lindsey stated that just because the town board has authority to give these people the voting power before January 1<sup>st</sup> does not mean that they should. He stated that this is an ethical decision and that ethically he cannot in good faith allow to happen while he is on the board. He stated that he would not asked others to do something they felt unethical. Mr. Lindsey stated that he will not vote to appoint the two people to the board. Mr. Ingram stated that in the minutes there was no motion or resolution. Mr. Lindsey responded that the minutes record what was said, so it is a matter of one's word and is on the public record. Mrs. Hoyt stated that she felt that the town was being held hostage. If someone was to quit or resign, the town would not operate once again. Mr. Lindsey stated that he will not leave. Mrs. Hoyt stated that one of them could die or have an accident. Mr. Lindsey stated that the board has had two months to appoint members and they have not. He stated once again that he is going by the official minutes and he will not alter them. Mr. Dias stated that the minutes are not a binding document. Mr. Lindsey stated that a motion was made to put them on record.

A motion was made by Supervisor Dias and seconded by Councilman MacArthur to appoint the two highest vote getters from the general election for town Councilman to the Town of Ancram Town Board. Voted yes- Mr. Dias and Mr. MacArthur. Voted no- Mr. Lindsey. Motion defeated.

Mr. Jim Evers stated that had a question about the bucket truck. He wondered if the town would have an hourly use of it. Mr. Dias stated that the towns regularly share machinery, especially paving equipment. Mr. Evers stated that the town should remember to keep the truck away from power lines.

Mr. Lindsey stated that as an alternative to the members being appointed, the board could make sure that they get the monthly packets and see the vouchers to ready them for January. Mr. Dias stated that that effort is being made.

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

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

Respectfully submitted by, Monica Cleveland Town Clerk