

**Town of Ancram
Town Board
Regular Meeting
October 16, 2008**

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

Others: Art Bassin, Linda Dias, Jennifer Boice, Bill Grossi, Diane Valden, Lynn Miller, Casey Miller, Bob Calame, Abram Kells, Carol Bryant, William Miller, Taffy Blass, Dennis Sigler, Bob Mayhew, Robert Wilcox, Hugh Clark, Joan Deluca, Paul Deluca, Jim Stickle, Leah Wilcox, Mary Boice, Michael Citrin, Chris Thomas, Jim Miller, Melissa Sorman, James Evers, Gerald Boice, Avery Dietter, Irene Dietter, Jean Brant, Ron Brant, Tom Gumm, Nancy Wengrowski, Michael Cawley, Clara Van Tassel, Jane Shannon, Madeline Israel, Libby McKee

The regular board meeting was called to order by Supervisor Dias at 7:07 PM with a salute to the flag.

A motion was made by Councilman Lindsey and seconded by Councilman MacArthur to approve the September 18, 2008 minutes as read and place them on the record. Motion carried.

Supervisor Dias read the following financial statement:

General Checking:	\$5,406.55
T & A Checking:	\$70,185.11
Capital Equipment:	\$19,589.99
Capital Building:	\$499,624.89
Highway Savings:	\$51.22
Highway Checking:	\$33,277.23
CDBG:	\$1,000.00

Councilman Lindsey asked a question of Mr. Dias regarding the FDIC levels of the Towns accounts. He asked how the larger accounts the town has are protected. Mr. Dias stated that the town is protected over the FDIC amounts by the Kinderhook bank. The bank secures the deposits by investing money in the Town of Ancram's name that can then be used if the Kinderhook bank "goes bust". A motion was made by Councilman Lindsey and seconded by Councilman Dias to approve the financial report. Motion carried. Councilman MacArthur asked about page five of the financial report, specifically the amounts listed in parenthesis. He asked if the board should move money to cover the amounts. Mr. Dias stated that in the future the amounts will be moved, but for now the amounts are covered. The accounts are interior accounts and do not reflect the amount of money in the bank.

Old Business

Mr. Bob Roth gave an update on the cell phone tower committee. He stated that he spoke to Congresswoman Gillibrand's office and that they stated that some of the companies have backed out of their original offer. Mrs. Gillibrand's office told Mr. Roth that they are going to take the issue to the lobbyist in Washington. Mr. Dias stated that Mr. Roth has been working on this issue for over two years and that the board thanks him for his time and efforts. He stated that if Mr. Roth needs any further assistance that the Town Board will be willing to help.

Mr. Dias stated that the town had the Blass Ball Field surveyed recently. This was originally due to the fact that the Ancram Mill was interested in purchasing it for a mill expansion. After the survey, Mr. Dias stated, it was found that two corners of the Ancram Firehouse are located on the town's property. Mr. Dias suggested that the town give the property that the firehouse sits on that now belongs to the town, over to the Fire District. Councilman Lindsey raised the question whether the town would have to contact the original donors of the property. He also suggested that the town give the Fire District a right of way. Mr. Dias stated that this was only two corners of the existing building and that he thought that the town should just transfer the piece in question to the Fire District. Mr. Lindsey stated that the town of Ancram has a very large septic problem in the town center and that there has been a recommendation made previously that the property in question, (The Blass Ball Field), be used in the future for an adequate centralized septic and sewer system. Councilman MacArthur stated that the property in question is an embankment. Mr. MacArthur, Highway Superintendent, stated that the Fire District well is located on Town property. Mr. Dias once again stated that the town should sign the property over to the Fire District. Councilman MacArthur stated that he felt it was just paperwork. Attorney Shaw stated that the land wouldn't have any value to anyone but the Fire District and that it would be appropriate to deed it over to them. He stated that if the Town Board does proceed with this it will have to be through permissive referendum. This means that if there is a petition signed by 5% of the town stating that they are against the proposal, then it must go to a town vote. If the property is found to have value, then an appraisal must be done. A motion was made by Councilman MacArthur and seconded by Supervisor Dias to allow Town Attorney Jason Shaw to draft a resolution to allow the Town of Ancram to make a Lot Line Adjustment on the property that borders the Town of Ancram Blass Memorial Park and the Town of Ancram Fire District. Motion carried.

Privilege of the Floor

Mrs. Jen Boice stated that the Fire District thought that the land they owned was further back behind the fence.

Mr. Jim Evers suggested that the current survey be marked with no further changes and an additional survey be made after the property lines are changed. Mr. Dias stated that the Fire District will have another map drawn.

Mr. Dennis Sigler stated that the transaction will go through the Planning Board and will be stamped by them.

New Business

Councilman Lindsey asked Mr. Dias to allow Town Clerk Monica Cleveland to address the board about an issue that was recently brought to his attention. Mrs. Cleveland read the following statement:

Dear Gentlemen of the Town Board,

I am writing this letter to notify you that I have some serious concerns regarding my office here at the Town Hall. As the Town Clerk and records management officer, it is my duty as an elected official to keep the records of the Town of Ancram safe, secure and unaltered. Town Law section 30 (1) designates the town clerk as the custodian of town records by stating that the clerk "Shall have the custody of all the records, books and papers of the town." In addition to this, I also am the town registrar and have in my possession all of the towns birth, death and marriage records, the town seal as well as my notary stamp and seal.

There have been several times when I have entered the town hall to find that my office door is open and nobody is in the building. I have on numerous occasions entered the town hall to find various people in my office. I have found filing drawers left open and my phone off the hook. Several times I have left documents for my reference on my desk only to have them disappear and then reappear days later, most recently my copy of the 2008 draft budget. I am not able nor should I be expected to remain in my office around the clock to guard the town's documents and important files.

The problem that has arisen at this point is that many items in my office, the birth, death and social security numbers, fall not only under my jurisdiction and town law but also under the Homeland Security Act. The Homeland Security Act has the ultimate jurisdiction now for these records because, found in the wrong hands, they can be used to produce an illegal identity. If Homeland Security finds that the Town of Ancram is not securing these documents as they should be, they can then step in and secure them themselves. Breach of the security of these documents is a federal offence according to the Homeland Security Act.

I have been instructed by both the Association of Towns and the County Clerk that have the authority to have the lock to my office door changed and maintain sole access for myself and my deputy. This will secure the towns documents and will make the Town in compliance of all of the laws set forth by Town Law and Homeland Security. I ask this for the safety of the town records.

Sincerely, Monica Cleveland, Town Clerk

Mr. Dias stated that the locks needed to be changed immediately. Councilman MacArthur asked if Mrs. Cleveland would have the only key and what would happen in an emergency. Mrs. Cleveland stated that herself, her deputy and the Building Manager George Wittlinger would be the only individuals to have keys. A motion was made by Councilman Lindsey and seconded by Supervisor Dias to allow the locks on the Town Clerks office to be changed and that only the Town Clerk, her deputy and the Building Manager George Wittlinger to have a key to the office. Motion carried.

Mr. Dias stated that the town would like to schedule another 2009 town budget workshop. He suggested a Saturday and told those gathered to watch the newspapers for the date and time. Councilman Lindsey suggested giving all of the towns people equal access to the town government and suggested the board consider alternating their board meetings between Thursday nights and Saturdays. Mr. Dias stated that this would have to be set up at the January Organizational meeting.

Mr. Dias stated that the board members have available to them in their packet that building department activity report. The report stated that in September the building department issued 9 permits, 3 searches and 7 CO's. Mr. Dias stated that the new deputy ZEO William Hunt was working in the office and the department continues to be very busy.

Mr. Dias stated that the board members have in their packets the letter from the survey company that further explains the Ball Field survey.

Mr. Dias stated that he has researched a remote bank depositing system. This would allow the town to deposit checks into the bank from the town hall. Mr. Dias stated that the amount of this system will be \$75.00 a month. Councilman MacArthur asked Mr. Dias the amount the town is paying at this time for him to travel to the bank. Mr. Dias stated it was approximately around \$18.00 a month.

Mr. Dias stated that the board members have a copy of the letter he received from the state regarding the issue of the town being backed by more money then the standard \$1000,000.00 by the FDIC. The letter stated that the State Law requires that all deposits and investments with banks and trust companies in excess of the FDIC coverage be properly secured.

Mr. Dias stated that he had received a contract from Charter Communications for the town and that it is 22pages long. He has turned the contract over to the town attorney.

Mr. Dias stated that the town was putting the attorney position out for bids and that they would be looked at next month. Councilman Lindsey asked if there would need to be an add in the paper. Mr. Dias stated no there did not have to be because the position is professional services.

Mr. Dias stated that the Town Board is considering putting the lawn maintenance and snowplowing for the town out for bids. He has asked the highway department for an

amount they feel it would cost to perform the job. A motion was made by Supervisor Dias and seconded by Councilman Lindsey to put together a bid package. Mr. Dias and Mr. Lindsey voted for the motion, Mr. MacArthur voted against. Councilman MacArthur stated that he does not see why the town should pay for snow removal when the town has the capacity to do this themselves. A new motion was made Supervisor Dias and seconded by Councilman MacArthur to put together a bid packet pertaining to the lawn maintenance of the Town of Ancram properties. Motion carried.

Mr. Dias stated that the rescue squad has submitted a donation request and that the town is holding firm at budgeting \$32,000.00 for the services.

Mr. Dias stated that the Town has received a request from the Ancram Angels to use the building on December 5th, 6th or 12th for the Christmas party. Councilman MacArthur felt that any of the dates were fine as long as they do not conflict with an already scheduled event.

The Young at Hearters had submitted a donation request of \$500.00 which is a pre approved budget line item. Attorney Jason Shaw stated that this raises many questions. He stated that a municipal agency, the town should not get in the habit of making charitable donations. The town can pay the \$500.00 if they are under contract with the organization but they can not just make a donation. This would raise the issue of other organizations asking for donations. Councilman Lindsey asked if the town can make public space available for the group. Mr. Shaw stated that they can. Mr. Shaw stated that he can write a memo up on the issue if the town wishes. The town should have a contract he stated because the auditors will look for this. Mr. Dias stated that he will make the Yong at Hearters aware of this issue.

Mr. Dias stated that he has given the Board members a list of Grant notices from Mr. Schumers office.

Mr. Dias stated that the town has received a notice from the Town of Northeast stating that Mr. Jeff Pulver has applied to build a small wind energy conversion system on his property. The Public Hearing will be on October 16, 2008. Mr. Shaw stated that the notification came to the town because we are adjoining the property.

Mr. Dias stated that the town board members need to look over the list of open items that need to be completed. He has given each member a copy of the list.

Mr. Art Bassin of the Comprehensive Plan Committee addressed the board. He stated that the CDBG application is due in November. The grant will be for \$24,000.00 and will have to be matched with \$16,000.00 of Town funds. The grant will cost \$1,450.00 to be written and it will fund economic development. Mr. Dias stated that he has concerns with the part of the grant that requires the town to set aside \$16,000.00 in matching funds. He stated that with the economy in the shape that it is in at this time, he has a hard time taking that amount of money from the budget. Councilman Lindsey stated that the board can make the final decision after the grant is awarded. Mr. Bassin

stressed that if the board has any doubts on whether to apply or not, he suggested not applying this year. He felt that if the town was awarded money and then does not take the grant, it could hold the town back in the future from receiving larger grants. Councilman Lindsey explained that the matching grants, or smaller grants, are a way of building a grant resume. Mr. Dias stated that he does not want to commit another \$16,000.00 to a grant when the town already has \$22,300.00 set aside for other grants. Mr. Bassin stated that if the town has any doubts, he suggests skipping this year and apply again next year. If the town is planning to apply this year, he needed approval tonight. Mr. Dias thanked Mr. Bassin for getting the town grants but that he feels that the town should pass this year and look at it again next year when there is a full board. Councilman Lindsey asked if by not applying for the grant this year would effect the comp plan. Mr. Bassin stated it would not.

RESOLUTION #15 OF 2008: Allowing the Town Supervisor Thomas Dias to sign the application for the Agricultural Grant;

RESLOVED: The Town Board of the Town of Ancram does hereby give Town Supervisor Thomas Dias permission to sign the Agricultural Grant Forms for the Comprehensive Committee. Motion made by Councilman MacArthur and seconded by Councilman Lindsey. Motion carried.

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

Second Privilege of the Floor

Mr. Rich Bitel asked if the town would make money on the proposed Comprehensive Plan grant. Mr. Bitel asked if the board was scared for some reason to apply for this grant or were there restrictions. Mr. Dias stated that the board is concerned with committing another large amount of money, \$16,000.00, and having it predefined on how it is used. Mr. Dias stated that the town already has \$24,000.00 predefined. He stated that if it was something that was seriously needed, then that would be okay but that this grant was not needed to keep the town functioning.

Mr. Bitel addressed the subject of changing the Town Board meeting night as proposed by Councilman Lindsey. He stated that he felt there was no need to change the meeting night for people who do not live here on a regular basis. He stated that the night was locked in and that it accommodates those who live primarily in this town. Mr. Dias stated that the Town Board sets the meeting night at the organizational meeting. He stressed that the town board wants to be available to all of the town residents and when it is appropriate, additional meetings will be scheduled to accommodate weekenders. Mrs. Israel stated that the weekenders are an important part of the tax base in the town. Councilman Lindsey stated that the meetings are at night due to the availability of those in town and not during the day when people work. If they were in mid day, these people would have to take a day off to attend. Mr. Lindsey stated that this was the same for the part time residents. They have to take a weekday off from work to come to a town board meeting. Mr. Bitel stated that this was their choice because they do not have their

primary residence here. Mr. Lindsey stated that they live where they work and that they do pay taxes here.

Mr. Bob Mayhew stated that the board can have special meetings on the weekends. He asked if the town was going to adjust the budget for the extra plowing the town highway department would have to take on if they begin plowing the town hall. Councilman MacArthur stated that he will have to reclude himself. Councilman Lindsey stated that the board is trying to cut the budget and that the contracted plowing and landscaping at this time exceeds \$20,000.00 a year. The board would like to know if the town can handle this for less but that if they have to higher an employee and buy equipment, it may not be cheaper.

Mr. Mike Citrin asked what the definition of services are pertaining to the grant when it stated matching with money and or services. Mr. Bassin stated that this would mean labor for the surveys and other various labor items. Councilman MacArthur asked who sets the labor rate. Mr. Bassin stated the state does. The services can be volunteer.

Mr. Bob Roth addressed Mr. Shaw and stated that he doesn't believe that the Young at Hearters are a charitable organization and that in the past years the town has always donated to them. The town supports the youth commission, why not the seniors. Mr. Dias stated that the town wants to do what is legal.

Mrs. Jen Boice stated that in the past, in regards to the landscaping and snowplowing, the items had not been taken care of in a timely manner. She stated that Boice Home Care uses different products then the town would and that the tax money is to be used for servicing the roads, not the Town Hall.

Mr. Jason Shaw addressed Mr. Roth. He stated that his concern was not with the validity of the organization but is a matter to do with the law as it is written. If the town has a contract with the organization, then it is legit.

Mr. Gumm stated that the town should set up a seniors commission. Mr. Dias stated that this could be looked at. Mr.s Joan Deluca stated that the organization includes members from Copake, Ancram and Hillsdale. Mr. Jim Stickle stated that this is an issue for the Yong ant Hearters, not the community. Councilman Macarthur stated that the organization will get the money and may even get more.

Town Clerk Monica Cleveland read the public notice that stated the town will be excepting bids on the 1997 Ford F-350 pickup truck.. Bid number one came from Joe Hoyt and was for \$300.00. Bid number 2 came from Mr. H. Rothvoss and was for \$525.50. A motion was made by Councilman Dias and seconded by Councilman MacArthur to accept the bid of \$525.50 from Mr. H. Rothvoss. Motion carried.

The board set the date of Wednesday October 22, 2008 as the final budget workshop. It will begin at 6:00 pm and will run until the budget is finished.

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

Respectfully Submitted by,

Monica Cleveland
Town Clerk