

**Town of Ancram
Town Board
January 15, 2008
Regular Meeting**

Present: Supervisor Thomas Dias Councilman John MacArthur
 Councilman James Miller Councilman Robert Mayhew
 Councilwoman Donna Hoyt Town Clerk Monica Cleveland
 Town Attorney Jason Shaw

Mr. Dias stated that Ms. Barbara Docktor will be taping the proceedings on video.

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

A motion was made by Councilman MacArthur and seconded by Councilman Mayhew to accept the December 18, 2008 and Year End/ Organizational Meeting minutes with corrections of some various spelling errors, and have them placed on record. Motion carried.

Supervisor Dias read the following financial report:

General Checking: \$4,891.55
General Savings: \$202,762.80
T&A Checking: \$37,013.29
Capital Equipment: \$19,614.69
Capital Building: \$243,753.73
Highway Savings: \$51.22
Highway Checking: \$33,298.20
CDBG: \$1,000.00

Mr. Dias stated that the County Sales Tax Check has not come yet and that the amount is not known for sure.

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

Supervisor Dias stated that there will be workshop meetings held by the Town Board on the first Thursday of each month at 6:00pm.

Councilman Miller asked that the Town Board pass a resolution against the NYS Governor cutting the Greenway. Mr. Dias suggested that the board discuss this during New Business.

New Business

Mr. Bob Roth gave an update on the Cell Tower Committee. He stated that a report outlining the reasons why the area needed cell phone service had been sent to Mr. Ford. An answer from Gillibrands office should be available by the end of winter. Mr. Roth stated that Verizon was not thrilled with the locations chosen by the town for the tower. Mr. Roth called Senetor Salands office and told them about the problem. The office wanted to have Verizon come to Ancram and have a meeting. Mr. Roth stated that he had suggested that the tower could be built on state park land. Mr. Dias thanked Mr. Roth for his time and effort.

Mr. Dias stated that the Fire District and Town Property map and resolution was still posted at the Town Clerks office for anyone interested in viewing it.

Mr. Dias stated that the American Home Mortgage issue brought up at the last Town Board meeting was still being investigated by Mr. Jason Shaw.

Mr. Dias stated that he has received five letters from various stated offices indicating grants that the town may wish applying for. He stated that he will give them to the towns grant writing office.

Councilwoman Hoyt asked if the \$11,000.00 that was paid to the Rescue Squad was indeed an overage. Mr. Dias stated that it was. Mrs. Hoyt stated that there is not a consistent way that the Rescue Squad delivers their bills to the Town and she stated that they have to be told to submit their vouchers quarterly through the mail to the Town Clerks office. Mrs. Hoyt also stated that any changes that are made to the warrant by the bookkeeper need to be confirmed by e-mail or fax. Mr. Dias stated that the contract for this year has arrived from the Rescue Squad and that the amount to be paid by the town is wrong. Mr. Dias stated that the contract will not be signed until it reads the amount budgeted by the town for 2009.

Councilman MacArthur stated that he would like to discuss the Town of Ancram Highway garage. He stated that the Board had agreed to not make any decisions or go forward on the proposed new garage until the new year. He asked how this was being pursued. He suggested that the board make up their mind on how they were going to handle the proposals. He stated that the current garage was not sufficient for what it is needed for. There is only one heated bay to get the plow trucks in to work on. Mr. MacArthur stated that with the weather as cold as it has been, he feels that the highway crew has probably not done much work in the past few days and stated that this is not their fault. Councilwoman Hoyt stated that there were questions from the Highway Committee in regards to the Mr. Citrin's proposal. She asked the committee if they were ready at this time to ask those questions. Mr. Boyles, the committee chair, stated that the committee was not ready at this time. Mrs. Hoyt asked if the committee could have their questions and comments in order by the first workshop meeting in February. Mr. Boyles stated they could. Mrs. Hoyt asked Mr. Citrin if he would also attend the meeting. Councilman MacArthur stated that he would like to see the department in a new building by next winter. Mrs. Hoyt stated that this was a lot of money and needed to be discussed.

Mr. MacArthur stated that he felt a lot of money was being wasted. Mr. Dias stated that the decision would be made by a town vote. Mrs. Hoyt stated that the vote would be in November. Mr. MacArthur stated that a special election can be held. Mr. Dias invited all who have information regarding the town garage to please attend the meeting.

Privilege of the Floor #1

Mr. Dias opened to the floor for questions pertaining to items discussed in Old Business.

Ms. Barbara Docktor asked why Verizon was not happy with the chosen locations for the cell towers. Mr. Dias stated that MTOP, the company, works with the towns and villages to build the towers with no costs to put them up. They then charge a fee to the providers to use the tower. He stated that the company likes to build on town owned property. Mr. Dias stated that the properties under consideration are the Highway Garage, the Town Hall and the Mathews property, which is being considered for the Highway Garage. Mrs. Hoyt asked if there is any other property they may be interested in. Mr. Roth stated that there may be someone willing to donate land. Mr. Dias stated that this was hear say information. Mr. Roth stated that the tower would need a one acre plot.

Mrs. Leah Wilcox asked what will be discussed at the Town Workshops and if they will be run like a Town Board Meeting. Mr. Dias stated that they are really the same. Town Business can take place but the board has decided to treat the meetings as a workshop and not vote or pass resolutions.

Mrs. Bonnie Hunt stated that she thought State Law does not allow votes to take place at workshops. Mr. Jason Shaw stated that the meetings have to be advertised and are a public meeting. They are run like a special meeting and the Town Board can vote at them.

Mrs. Madeline Israel asked if the matters that were decided at the Organizational meeting can be discussed. Mr. Dias stated that he felt all of the issues that took place at the Organizational Meeting were closed items. Mrs. Israel stated that the board had decided to have the Board meetings the third Thursday of every month. She stated that she thought it could be discussed at the Regular Board Meeting because there was no public discussion at the Organizational Meeting. She wanted to discuss the possibility of Saturday meetings. Mr. Dias stated that the monthly Town Board meeting was set for the Third Thursday of the Month during the Organizational Meeting. Mrs. Israel stated that then no discussion about this can be asked. Councilman MacArthur stated that the issue can be brought up in New Business.

Mr. Bob Roth asked what the contract for Charter Communications entitles them. Mr. Jason Shaw stated that it gives them, the company, the right to provide Ancram with cable. It does not make it so another company cannot come in. Mr. Shaw stated that he does not see another company coming into Ancram.

Mr. David Boice asked if the Town's Grant writing office can be used by the Fire District. He stated that if they find grants that the Fire District would qualify for, they

could let them know. Mr. Dias stated that he felt all Town offices could use the service. Councilman MacArthur stated that when the original agreement was made with the office, it was for \$4,000.00 a year. Now they want to be paid \$32,000.00 a year. Councilwoman Hoyt suggested looking into what it would cost to write the grants on our own and if it would be more feasible.

Mrs. Leah Wilcox asked if the Town Board could put the Financial Report up on the screen for all of those gathered to see. Mr. Dias stated that he would work on this. Mrs. Hoyt stated that there will be more control of the financial report when the board begins to have workshops.

New Business

Councilman MacArthur stated that he intends to continue to have the Board Meeting nights as they are scheduled. He stated that he has no intention on voting to have them held at another time.

Mrs. Ruth Wittlinger gave the board the Town of Ancram Court Office report for the 2008 year. She presented the board with the Court Docket books. She stated that Justice George Wittlinger has been on the bench for 9 years and Justice Robert Wilcox for 1 year. She presented to the board two packets for each judge, one bail account and one fine account. She also gave the board the monthly reports. Mrs. Wittlinger stated that business had been down since 2008. In 2007 419 cases had closed compared to 338 in 2008. She read the following memorandum dated January 15, 2009 from the office:

The last twelve months saw a year of significant growth and change for the Ancram Town Court.

On January 2, 2009, Robert Wilcox was sworn in as Town Justice. He completed the Basic Justice Education Course in December 2007 and was ready to take the bench immediately.

For the record, Judge Wilcox wished to publicly thank Judge Wittlinger for his encouragement, advice on procedural matters, points-of-view on case matters and close support on the ins and outs of a night in court and the "midnight arraignment".

Judges Wilcox and Wittlinger aggressively participated in the continuing Judicial Legal Education program. During 2008 both judges passed the new (in 2008), very rigorous testing requirements and were re-certified by New York State Unified Court System.

In May, the Ancram Court converted to an official "court of record" by installing a digital recording system. This system is on for all court proceedings including court night, midnight arraignments, attorney/judge conferences and all other case related interactions. The verbatim record has proved invaluable as we seek to manage all necessarily adversarial process. Additionally, the "on record" reality has resulted in better and more professional behavior by all parties in court.

The Court applied for and received a Judicial Court Assistance Program (JCAP) grant of \$2,214.00 to upgrade security for court personnel at Town Hall. Exterior lighting, magnetic security wands, and a heavy-duty document shredder will be purchased and/or installed in 2009 using the grant money.

The Ancram Court also applied to the Office of Court Administration (OCA) of the Unified Court System for some office equipment upgrades. Over the summer both judges received desktop computers and printers. Their ability to communicate with case related and administrative constituencies is infinitely improved. The judges can now research case law and statutes in a timely manner. The OCA also sent the Court a new printer/fax machine to use on the bench on DA night to speed up case management.

To improve the public availability of court related information, the court installed a brochure rack outside the office. It displays consumer guides to Small Claims, Landlord/Tenant disputes, Victim and Domestic Violence hotlines, and other information.

Case Load Overview

The Ancram Court saw some important shifts in the make-up and number of cases in 2008.

The total number of cases dropped 19% from 2007 to 338. Interestingly, Vehicle and Traffic cases and Penal Law cases moved in opposite directions from each other. V&T dropped 26% to 297 while PL cases rose 167% to 40.

Monies collected (fines, surcharges, bail poundage etc.) dropped &% from last year to \$34,174. The Court's receipts dropped at a slower rate than the number of cases due to a 13% increase in average V&T collection (\$102) and a robust 560% increase in PL case collections.

We believe the fall off in V&T cases is due to at least three factors:

- 1. During 2005-2006 or resident Deputy Dunspaugh was very active leading to an all-time record in numbers of tickets and fines collected.*
- 2. The Sheriff's office has limited resources. As PL cases increase in number and complexity, V&T gets less attention. They struggle as we all due with a painful economic reality.*
- 3. Lastly, we believe the spike in gas prices that lasted until early fall and the economic downturn have resulted in reduced driving and improved driving behavior.*

Looking Forward

There are a few initiatives we want to continue and others we want to start. The Court will continue to improve the availability of court and issue related information to the public. The court is eager to provide a column to the new Ancram Town Newsletter being developed by Councilman Bob Mayhew.

The Judges and the Clerk will continue to exceed educational requirements during 2009.

To improve the Court's fine collection, we did an analysis of the V&T cases.

Suspended license files shows the following breakdown of the 196 cases:

-97 Suspensions are adjudicated but unpaid for a total of \$17,015

-99 Suspensions are not adjudicated.

By April of this year we plan to convert the 97 adjudicated suspensions to Civil Judgments to enhance our ability to collect \$20,410 in past due fines plus the suspension removal fees. Unfortunately, we cannot do this with the 99 non-adjudicated cases.

The Court will perform the same analysis of unpaid criminal/penal cases and convert them to Civil Judgment by July.

Mr. Dias stated that he is very pleased with the court. Councilwoman Hoyt asked what the town does with the adjudicated tickets. Mr. Wilcox stated that the most they can do with them is suspend their licenses. Mrs. Wittlinger stated that this happens automatically after 60 days. She stated that with the new cycle of renewal with the drivers license, it can take as long as eight years to collect on a ticket. Mr. Shaw stated that civil judgments are documented at the county clerks office.

On Behalf of the Ancram Youth Commission, Mrs. Wittlinger read the following Memorandum:

The purpose of this memorandum is to request legal release forms form the Town that meet legal and insurance related requirements.

The Youth Commission needs releases that will be adequate for a variety of venues and a variety of activities. For example, the venues include but are not limited to Town Hall, the ball field, the pool, private property and commercial sites. The activities have a similar range: from book fairs to camp outs to the Zoom Flume, to swimming pool memberships, to the summer pool party, the Christmas party and the Spring Fling, to name a few.

The Youth Commission understands the need for these forms and is eager to put them to use. We are also prepared to develop a full year schedule of activities so that we can purchase an insurance rider, at the Commission's expense, that will protect the Town and our committee members.

If the insurance agents/carriers need more information, we can meet them at their earliest convenience.

Thank You, The Ancram Youth Commission

Mrs. Wittlinger stated that the Youth Commission held 20 events last year and plans to exceed that number this year. Councilman Miller asked if Mr. Lougheed had resigned. Mrs. Wittlinger stated that she has not received his formal resignation as yet. Mrs. Wittlinger read off a list of activities that the Commission would like to hold with the Boards permission. This includes a Spring Fling. which would be a town wide event with vendors, a possible chicken barbeque and activities. Mrs. Wittlinger asked the Board to come up with other activities as well. Mr. Dias stated that the Board is looking to form an Elder Commission. Councilman MacArthur asked if there was to be an age requirement for the Elder Commission. Mrs. Hoyt stated that it would be around 55 but this would be decided and developed. Mr. Wilcox asked if the board could have releases set up for the Youth Commission activities. Mrs. Wittlinger stated that these would be like permission slips. Mr. Shaw stated that the commission would need an acknowledgement paper from the parents to release from potential claims. Mrs. Hoyt suggested getting the insurance company involved. Mr. Shaw stated that the document

would not be hard to draw up and that he will do so. Councilman Mayhew gave a thank you for the Christmas Party and the write up in the paper.

Mr. Art Bassin gave the following Comprehensive Plan Committee Report:

Comp Plan Activities -Town Board Update - 1/15/09

1. Comp Plan Activities --*The Comp Plan Committee has finalized a set of proposed strategies and action plans necessary to implement the 2030 Vision and Goals. These strategies will be mailed to the Community next week along with an invitation to attend four Comp Plan “strategy workshops” on Monday, February 2 and 9 from 7 to 9.30 PM and on Saturday, February 7 and 14 from 9:30 AM to 12 noon.*

2. CDBG Activities -- *The CDBG Project Team has received engineering reports on the 82/7 and 8/3/82 intersections and on septic options for Ancram, and expects to receive one additional report on the feasibility of renovating the three deteriorating buildings in the center of Ancram. In addition, we have received an alternative preliminary design concept from Synthesis for revitalizing the center of Ancram which does not require the Fire House to be moved. The CDBG Project team has been discussing how to approach the development of an economic development plan for Ancram, and is focusing on the development of a “short term plan” to implement some of the ideas coming out of this effort during 2009 and 2001.*

3. Agriculture & Farmland Protection Plan (AFPP) – *We are still waiting for our Farmland Protection Plan Grant funding contract from the NY State Department of Ag and Markets. The AFPP Team met January 5 to discuss the scope and process of developing a municipal agriculture & farmland protection plan.*

4. Budget – *Comp Plan related spending in 2007 and 2008 has been on budget. Spending in 2008 was about \$40,000. Comp Plan completion in 2009 will cost another \$10,000. We have also incurred about \$13,000 in CDBG project costs, but spent none of the \$35,000 budgeted in 2008 for the Zoning Revision effort, so these funds are available for zoning revisions in 2009 if required.*

Mr. Dias thanked Mr. Bassin for all of his hard work. He asked that the town give the committee any feedback that they may have. Councilman Miller stated that everyone should attend the workshops. Councilwoman Hoyt stated that she is now the representative for the board.

Mr. Dias read the Building Department report and stated that they are slow but not as slow as he thought they would be.

Mrs. Hoyt stated that she would like to address Mrs. Israel’s question about having meetings on Saturday. Mr. Dias stated that he had called Saturday meetings last year. He stated that all of the voting on town issues will be saved for the regular meeting. Mrs. Hoyt stated that she agrees that the voting should be saved for the regular meeting because it is know to everyone. She does not have a problem with having an

informational meeting on another day. Mrs. Israel asked if the board would initiate this. Mr. Dias stated yes. Mrs. Hoyt suggested changing some workshops to Saturdays. Mrs. Israel stated that there may be interest and there may not but that the board needs to try some Saturday meetings.

Mrs. Hoyt asked about deciding on an Ethics Committee. She suggested making a list of interested persons. Mr. Dias stated that the Board needs to decide to keep the Town policy or adopt the County policy. Mrs. Hoyt stated that it was her understanding that if the town adopts the County policy, the town does not have to have their own board of ethics. Mr. Mayhew stated that the Town still needs it's own board. Mr. Dias stated that he spoke to the County attorney and was told that the Town of Ancram would not need their own board if they adopted the County Ethics Policy.

Privilege of the Floor #2

It was suggested that the board decide to have a meeting on Saturdays once a ¼. The out of towns people do not here of town activities until after the fact. Mr. Dias stated that Councilman Mayhew is forming a town wide newsletter and that Town Board members are always available to speak to at any time.

Mrs. Hunt asked if the Town Board is going to pass the Greenway Resolution. Councilwoman Hoyt stated that she has not had time to read it over. Councilman MacArthur stated that he was not prepared to vote on this issue. Mrs. Hoyt suggested discussing it at the workshop.

Mrs. Bassin suggested that all town employees and vendors be given a copy of the Ethics Law. and that the board needs to be vigilant with this. Mr. Dias stated that this was being done and that the board will decide on what to do with the law. He stated that the Town needs a "custom fit" when it comes to this because 20% of the people at the town do 80% of the work. Mrs. Bassin stated that all of the Boards are large enough that people can recluse themselves.

Mr. Jack Lindsey stated that while in Oswego County, he maneuvered a corner much like the 82 and 7 intersection in Ancram. This corner had a convex mirror. He stated that he has looked into this and that the town cannot put one up but a property owner can. Mr. Lindsey also said that the town has to understand that because the county and the town has to adhere an Ethics Law, the town can choose which they feel better suits them. Mr. Dias stated that he was told by Dan Tesnisky at the County that there are savings to be had by using the County policy.

A question was asked about e-mails and how they are responded to. Mr. Dias stated that he gives them to the Board members and if they need to be brought up at the meeting they can be.

Mr. Rich Bitel stated that the website is up and running and that this helps to get town information out. He stated that the town is a culturally diverse group.

Mr. Jim MacArthur, Highway Superintendent, stated that he wanted to clarify some budget items. He stated that last year the town received a check from FEMA for \$43,000.00 to fix Hall Hill road but that this money was never put into the Highway account. He stated that his men fixed the road for \$22,000.00 He stated that Hall Hill was to be finished when the new bridge went in and that senator Saland set money aside for this. He stated that he spent that money this year on the road because he did not want to loose the money due to budget cut backs at the State. The \$31,000.00 was a payback for the FEMA money. Mr. MacArthur stated that there are many things that he cannot plan for, like the recent ice storm. Mr. Dias stated that Mr. MacArthur does an outstanding job. Mrs. Hoyt stated that she went through the last 3 years of budgets and that Mr. MacArthur was right on budget.

Mr. MacArthur stated that he had a plow damaged in a storm and that he has no spares. He would like to replace the plow at a cost of \$5,600.00 . He stated that the town of Pleasant Valley has a used truck for sale that he would like to bid on. Mrs. Hoyt asked the age of the oldest truck (1993) and wondered if it would be more efficient for the town to make that one the spare and buying a new truck. Mr. Dias asked the price of a new Ten Wheeler. H.S. MacArthur stated the price is around \$200,000.00 and \$160,000to \$170,000 for a six wheeler. Councilman MacArthur stated that H.S. MacArthur should bid 3000.00 for the used truck.

Councilman Miller made a motion seconded by Councilman Mayhew to allow Highway Superintendent MacArthur to purchase a plow for \$5,600.00. Motion carried.

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

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

Respectfully submitted by,

Monica Cleveland
Town Clerk