

**Town of Ancram
Town Board
Regular Meeting
December 18, 2014**

Present: Supervisor Arthur Bassin Councilman James Miller
 Councilman Chris Thomas Councilman Hugh Clark
 Councilwoman Madeline Israel Town Clerk Monica Cleveland
 Highway Superintendent James MacArthur

Supervisor Arthur Bassin called the regular meeting to order at 7:00 pm with a salute to the flag.

A motion was made to approve the minutes of the previous meeting with some minor edits suggested by Councilman Clark. Motion made by Councilman Clark and seconded by Councilwoman Israel. Motion carried.

**Supervisors Report
Town Issues**

- 1. Financial Report** – The full year financial situation is looking stronger than expected. We ended November with \$531,000 in the bank, after paying the \$50,000 State retirement fund contribution. We expect to receive about \$150,000 in highway aid from the State by year-end, to reimburse us for highway repair work already done, about \$28,000 in mortgage tax payments, and about \$60,000 in additional sales tax receipts. The cash reserve balance by year-end 2014 should be between \$650,000 and \$700,000, which is about \$100,000 more than we expected after paying of the \$240,000 garage loan. The unexpected \$100,000 additional cash results from about \$60,000 in better than expected sales and mortgage tax receipts and building permit fees, coupled with about \$40,000 of lower than expected legal, retirement fund and health insurance costs.
- 2. Subdivision Law** – We should have a draft of the revised subdivision law at the December Town Board meeting, will schedule a public hearing on that law in January, and will consider that law for adoption at the January or February Town Board meeting.
- 3. 2014 Outside Audit** – We have received two proposals. If FAC is able to schedule interviews with both firms next week, FAC will make a recommendation at the 12/18 meeting. If not, we should have a recommendation by the January Organizational meeting.
- 4) Insurance** – We should have employee health insurance issues and costs resolved by the 12/18 meeting, along with quotes for our property and liability insurance policies.
- 5) Puppy Mill and Tethering Law** – We will decide in January if we want to explore developing a local law covering puppy mills and tethering, or if we want rely on the NYS Ag & Markets Law.
- 6) Unsafe Building Law** – We will also review where we are and where we want to go with the unsafe building law in January. Building Inspector Ferratto should have a list by our regular January meeting of the properties he would consider candidates for action under an unsafe building law. We will also review the criteria that would qualify a structure for action under the unsafe building law, and at what point in the deterioration of a structure the Town should act to

demolish a structure at the property owner's cost.

7) Kid's holiday party – December 20 at 5 pm at TH. Santa is scheduled to make an appearance.

County Issues

1. Airport – Still waiting for FAA approval to reclassify the airport from D II to B II. FAA has indicated it could be a 60 - 90 day process. County has hired Passero Associates to be the airport consultant for the County for a five year term.

2. Pine Haven – The BOS received presentations from the three private operators interested in buying the Pine Haven nursing home from the County. Two finalists will be invited to present to a public meeting in January. The County will probably make a decision about whether or not to sell during 1Q15. If we decide to sell, NYS Department of Health approvals could take up to a year.

3. County Budget - Looks like the County property tax increase will be about 1.34%.

Highway Department

The highway department advertised for bids for Highway materials for the 2015 year. 7 bids were received and opened. Mr. MacArthur asked that the town board accept the bids from red Wing, Century Aggregate and A. Colarusso and Son. A motion was made to that affect by Councilman Miller and seconded by Councilwoman Israel. Motion carried.

Court Department

The court announced that the department has hit their goal of \$10,000 in fines paid for the 2014 records management project. The project is close to being done.

FAC

The FAC held a meeting on the 13th. They went over the financials and budgets as well as went over the recommendations for an audit firm.

Planning Board

There will be training in January as well as scheduling of a culvert presentation.

ZBA

The ZBA is looking at an area variance which includes a previous 2012 modification.

CAC

The CAC is in the process of finalizing the Natural Resources Plan.

Animal Control

Mr. Bassin stated that the town has signed the 2015 contract with Columbia Greene Humane society but that we are also looking for a more local kennel to have a supplemental contract with.

Building Manager

The telephone system is still being sorted out. Mr. Bassin also suggested having the heating system looked at as there seems to be no heat in the meeting room.

ZRC

Mr. Clark read the following memo about the revised subdivision regulations.

***The Task:** The Zoning Revisions Committee and the SRRC were appointed to “bring the Town’s zoning and subdivision laws into alignment with the Comprehensive Plan.”*

Replacing a 1972 Ordinance, The Town Board adopted a comprehensive, updated Zoning Law on 20 November 2014.

***This Project:** Ancram’s current Land Subdivision Regulations were adopted in 1994. They consist of three parts plus two appendices. Part I is Subdivision Regulations; Part II is Subdivision Design and Construction Standards; Part III is Approved Materials for Subdivision Construction. Appendix A is Town of Ancram Highway Specifications; Appendix B is Forms.*

This proposed Local Law contains two components. First are the Land Subdivision Regulations (the updated version of what had been Part I of the 1994 Regulations). The second component is Subdivision and Highway Construction Standards (which had been Part II, Part III, and Appendix A in the 1994 Regulations).

***The SRRC:** Due to the technical nature of subdivision regulations, all members of the SRRC except the Chair are present or former chairmen or members of the Town Planning Board. Hence, SRRC panelists possess the experience and insight to identify significant shortcomings in the 1994 regulations and to determine revisions that correct those shortcomings. Nan Stolzenburg serves as expert consultant and principal editor.*

***The Situation:** Although the 1994 Subdivision Regulations (Part I) have served as a framework for Planning Board review and approval of plats in accordance with Town policy, they do not uniformly align with the 2014 Zoning Law and with the 2010 Comprehensive Plan, nor do they consistently provide clear guidance about all types of applications and about the procedures to deal with those applications. Furthermore, some aspects of the procedures are not consistent with New York State Town Law.*

***Improvements:** Features of Part I that received extensive deliberation include: clarifying definitions for roads and driveways; determining frontage; adding boundary line adjustments as a classification; clarifying when the classification clock starts; emphasizing the PB’s openness to communication with all applicants and the corresponding intent and nature of the sketch plan conference; coordination and conduct of site visits; road layout standards; and format/heading changes to enable readers to more easily identify each section.*

The SRRC also deleted some features that are outdated or otherwise don’t coincide with

current practice, including passages about notifications, filing notices, and copy requirements. In addition, all procedures and time frames were brought into conformance with New York State Town Law.

Most significant is the nature of Part II (Subdivision Design and Construction Materials), Part III (Approved Materials for Subdivision Construction, and Appendix A (Highway Specifications). Nan pointed out, and the SRRC agrees, that these pieces may be useful, but they do not properly belong in subdivision regulations as they deal with facilities, rather than with land. Indeed, the 1994 text notes that these standards “are formulated so that all facilities may eventually be accepted for maintenance by the Town,” a premise that does not generally find favor in the 21st Century. Furthermore, Parts II, III, and Appendix A are highly technical and deal with everything from pipe sizes to specifications for concrete and to gravel/crushed stone sub-bases for roads. These technical specifications have not been reviewed during the past twenty years. It is likely that some have been superseded or incorporated in New York State or Federal laws or engineering guidelines. It also is probable that road standards have changed over time, and that standards in the 1994 rules are over-engineered for rural residential roads in Ancram.

The SRRC agrees with Nan that Part II, Part III, and Appendix A should be excised from the subdivision regulations and moved into a separate law, manual, or other publication in 2015. As prelude to that move, these elements should be reviewed for currency and completeness by a qualified professional engineer and/or others with appropriate expertise. However, until that review, revision, adoption, and publication can occur, the SRRC concluded that there is benefit in keeping current text “on the books” as part of this proposal. Even if the standards in Part II, Part III, and Appendix A may not be wholly current, the text does provide information that the Planning Board, Building Department, and Highway Superintendent can refer to when considering projects. Accordingly, language from Parts II and III, and illustrations, have been left “as is,” with only minor edits. The SEQRA forms have been removed as they reflected outdated forms that have been replaced by NYS DEC.

Attorney John Lyons was asked to review the proposed packet for legal sufficiency. Concluding that review on 12 December 2014, he suggested many “word-smithing” edits to text and also offered many related observations and suggestions. Recognizing the SRRC’s preference for keeping Part II, Part III, and Appendix A in force during the period between adoption of this package and the adoption of updated construction standards later in 2015, Mr. Lyons was amenable to incorporating those features in this package as the simplest, most efficient course of action.

Recommended Action: *On behalf of the SRRC, I recommend that the Town Board:*

- accept this proposed local law;*
- schedule a public hearing;*
- provide an opportunity for Columbia County Planning Board review;*
- complete SEQRA;*
- adopt this local law;*

-and authorize the SRRC to seek professional review of the second component (Subdivision and Highway Construction Standards) and subsequently configure those texts into a separate law(s), manual(s), or other appropriate publication(s) for review and adoption by the Town Board in 2015.

A motion was made by Councilman Clark and seconded by Councilwoman Israel to accept the Subdivision Regulations for formal review by the Town Board. Motion carried.

The following resolution was offered by Councilman Miller and seconded by Councilman Clark and moved for adoption. Unanimously carried.

Resolution # 22 of 2014

. Lead agency for Subdivision law SEQRA

**Resolution of the Town of Ancram Town Board
Intent to be Lead Agency and Identification as a Type I Action
Action: Update Town of Ancram Subdivision Regulations**

WHEREAS, the Town of Ancram adopted a Comprehensive Plan in April 2010 pursuant to Town Law 272-a; and

WHEREAS, the Town Board appointed a Zoning Review Committee and tasked them to draft amendments to the July 1972 Town of Ancram Zoning Ordinance and the Town of Ancram Subdivision Regulations to be consistent with the adopted Comprehensive Plan, and

WHEREAS, the Zoning Review Committee developed such language with the aid of a consultant and legal counsel, and subsequently submitted such language to the Town Board for review and adoption; and

WHEREAS, the Town Board has reviewed the New York State Environmental Quality Review Act (SEQR) 6 NYCRR Part 617 and has determined that the action is subject to SEQRA; and

WHEREAS, the proposed action will not require permits and approvals from any other local, regional and State agencies prior to adoption of the plan and is therefore not a coordinated review; and

WHEREAS, the Town Board has determined that the proposed action is a Type I Action, pursuant to the New York State Environmental Quality Review Act (SEQR) 6 NYCRR Part 617.

NOW THEREFORE BE IT RESOLVED, pursuant to the applicable standards of SEQRA 6 NYCRR Part 617, the Town of Ancram Town Board concludes that it is the appropriate agency to serve as, and declares itself lead agency for the environmental review of the proposed Type I Action; and

BE IT FURTHER RESOLVED that the Town of Ancram Town Board hereby authorizes development and circulation of a copy of the Full Environmental Assessment Form pursuant to the requirements set forth in SEQR 6 NYCRR Part 617.

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to sign the Full Environmental Assessment Form.

WHEREUPON, this Resolution was declared adopted by the Town Board of the Town of Ancram:

A motion was made by Councilman Miller and seconded by Councilwoman Israel to hold a public hearing for the Subdivision Regulations revisions at 6:45 of January 15, 2015. Motion carried.

A motion was made by Councilman Clark and seconded by Councilman Miller to allow the Subdivision Regulations to be sent to the Columbia County Planning Board for review. Motion carried.

Mr. Fultz stated that the pool planning committee has met with Joe Iuviene to discuss the possible renovation or moving of the town pool. Mr. Iuviene is gathering costs. There should be firm numbers by the March meeting. Mr. Bassin stated that it seems as though Mr. Iuviene is leaning towards fixing the current pool because of the costs and regulatory issues related to building a new pool at the TH.

Mr. Bassin stated that the building department is still looking at the unsafe building law. Mr. Bassin said that there seems to be a difference if the building is just run down or if it is ready to collapse and also how close to the road or another structure it is, as to the urgency of taking it down.

In regards to the sewer study Mr. Bassin said that there are a lot of elements to the issue. The grant may be expanded beyond the sewer system to include water quality ie, Blass Field and culverts. There should be a plan by the next meeting. The 20% match that the grant specifies can be matched in kind.

The Town Board is continuing their compiling of edits of the Town Manuals.

Mr. Bassin reminded the board that they had said they would look into a puppy mill and a tethering law in the first part of 2015. He said that the board will have to look at whether they wish to improve the situation with a local law or if they feel the state law is adequate enough. Ann Rader will do some research before the next meeting. Mr. Bassin asked the board to consider if they wish to expend the money on these issues.

The following resolution was offered by Councilman Miller and seconded by Councilman Clark and moved for adoption. Resolution passed by unanimous vote.

Resolution #23 of 2014: Employee Health Insurance for 2015:

Resolved, that the Ancram Town Supervisor is authorized to contract with either CDPHP or MVP for health insurance for qualified Town employee at a per person premium cost not to exceed \$426 per month, and, **be it further resolved** that for employees who participate in the Town health insurance plan, the Town of Ancram will contribute \$750 to an employee HSA, **and be it further resolved** that in the event that an employee incurs in excess of \$1500 in out of pocket costs during 2015, that the Town of Ancram will reimburse the employee the amount in excess of \$1500 incurred for medical care up to the deductible level at which health insurance policy starts paying for medical costs incurred. **It is further resolved** that employees will pay 50% of the premium for any family member who participates in the Town program, and it is **further resolved** that any Town employee who opts out of the Town health insurance plan will be eligible for a payment in 2015 of \$4800 if the employee was hired prior to 2011, or \$3600 if the employee was hired after January 1, 2011.

Councilman Thomas asked why the Town Hall was receiving propane from two different companies. Mr. Bassin stated that Kosco had the county bid but that the town was using Crown. He will ask Crown if they can match the Kosco price.

The following resolution was offered by Councilman Clark and seconded by Councilwoman Israel and moved for adoption. Carried by a unanimous vote.

Resolution #24 of 2014: Dog Kennel Agreement: Resolved, that the Ancram Town Supervisor is authorized to enter into an agreement with the Columbia Greene Humane Society to provide care for dogs taken into custody by the Town Animal Control Officer at the standard prices charged by the Columbia Greene Humane Society, **and, be it further Resolved**, that the Town Supervisor is authorized to enter into agreements with other animal care organizations or individuals who may be able to provide short or long term care for lost dogs in the Ancram area at a cost that is less than that charged by the Columbia Green Humane Society.

A motion was made by Councilman Thomas and seconded by Councilman Miller to approve the December General and Highway warrants and to pay the bills. Motion carried.

A motion was made by Councilman Miller and seconded by Councilman Thomas to make the following General budget adjustment:

To 1620.4 from Fund Balance: \$2,500.00

To: 1620.41 from Fund Balance: \$900.00

To: 8010.41 from 8018.12 \$800.00

Motion carried.

A motion was made by Councilman Miller and seconded by Councilman Thomas to

make the following General budget adjustment:

To 9010.8 from Fund Balance: \$1,000.00
To: 9060.8 from Fund Balance: \$2,400.00
To: 5132.4 from Fund Balance: \$750.00
Motion carried.

A motion was made by Councilwoman Israel and seconded by Councilman Clark to make the following General budget adjustment:

To: 8020.4Z from Fund Balance: \$200.00
To: 1410.4 from Fund Balance: \$600.00
Motion carried.

A motion was made by Councilwoman Israel and seconded by Councilman Thomas to made the following Highway budget adjustment:

To: 5142.4 from 5110.4: \$5,900.00
To: 5130.4 from 5110.4: \$5,000.00
To: 5110.1 from 9010.8: \$3,500.00
Motion carried.

There being no more business, a motion was made by Councilman Clark and seconded by Councilman Miller to adjourn the meeting. Motion carried.

Respectfully submitted by,

Monica R. Cleveland
Ancram Town Clerk