

**Town of Ancram
Town Board
Regular Meeting
October 16, 2017**

Present: Supervisor Arthur Bassin Councilman Hugh Clark
 Councilwoman Madeline Israel Councilman David Boice
 Town Clerk Monica Cleveland
 Highway Superintendent James Miller

The regular meeting of the Ancram Town Board was called to order by Supervisor Arthur Bassin at 7:00pm with a salute to the flag.

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

Mr. Bassin asked if there were any reason that any member of the board would need to recuse themselves as per the presented agenda. There were none.

The board at this time turned to the Long Lake HOA Transportation Companies Consent. One correction that needed to be made was a change to Page 4 Paragraph D the wording should read “supplying sewage disposal for”.

The following resolution was offered by Councilman Clark and seconded by Councilman Boice and moved for adoption by Roll call vote. Resolution carried unanimously.

Resolution #33 of 2017: Resolution of the Town of Ancram Town Board
Petition of Long Lake Homeowners’ Association to Establish Two
Transportation Corporations pursuant to the State Transportation Corporations Law
WHEREAS:

1. The Long Lake Homeowners’ Association (Long Lake HOA) is a New York State (NYS) Not-for-Profit Corporation, formed under Section 402 of the NYS Not-for-Profit Corporation Law.
2. Long Lake HOA was incorporated as part of a private cluster development in the Town of Ancram totaling 220 acres in area. The developer was Steven F. Haas. The Long Lake community is comprised of 68 approved lots. Forty nine (49) of the lots have been developed with homes. Nineteen lots are vacant.
3. We have received a Petition from the Long Lake HOA asking the Town Board to consent to the formation of two new transportation corporations. The proposed “Long Lake Water-Works Corporation” will own and operate at its sole expense the community well and water supply system for the Long Lake community. The “Long Lake Sewage-Works Corporation” will own and operate at its sole expense the Long Lake community septic system.
4. Under the New York State Transportation Corporation Law, new transportation corporations need to be established in order to own and operate these systems. The new corporations will replace two earlier transportation corporations which performed those functions. Those earlier transportation corporations were formed by the developer

of the community and later mistakenly dissolved by him.

5. Local municipal consent is required because these are community systems which are providing water and wastewater services to citizens of the town.

6. In the event that the HOA fails or otherwise does not meet its responsibilities to maintain and operate the sewage system and provide services to the Long Lake community, the Town of Ancram has the right under Article 10 of the State Transportation Corporations Law to step in and take over the sewage system and operate that system.

7. In the event that the HOA fails or otherwise does not meet its responsibilities to maintain and operate the sewage system and provide services to the Long Lake community, the Town of Ancram does not have the right under Article 4 of the NYS Transportation Corporations Law to take over the water supply system. However, it may enter into an agreement with the Long Lake HOA to allow the Town to take over the water supply system in the event of a failure and may make such an agreement a condition of its consent to formation of the new transportation corporation for the water supply system.

8. As described in detail in the Long Lake HOA Petition, both the water supply and wastewater systems are existing and in-place. They have been in successful operation since the early 1990s. Both systems will continue to be maintained and operated as they have been since their installation.

9. As further described in the Petition, with regard to the water supply system, the Long Lake HOA has provided to the Town Board documentation from the Columbia County Health Department (CCDOH) to indicate: (a) that the water supply system received initial approval from the New York State Department of Health (NYSDOH) on April 24, 1991; (b) the plans for the system were modified and the modification was approved by the NYSDOH on September 3, 1998; and (c) that further modifications were made to the system subsequent to 1998 and that the CCDOH said that the post-1998 modifications have been completed in compliance with the plans and the law.

10. As further described in the Petition, the CCDOH has since overseen changes and improvements to the system. The water system is currently in compliance with applicable CCDOH requirements. The facility has maintained a certified Class C operator to oversee the operation of the system. The system is inspected annually by the CCDOH. The last inspection took place in August of 2016 and indicated full compliance. The 2017 CCDOH inspection was scheduled to take place on September 12, 2017.

11. As further described in the Petition, with regard to the sewage system, the Long Lake HOA has provided the Town Board with documentation from the New York State Department of Environmental Conservation (NYSDEC) to indicate that the design of the system was approved by the NYSDEC on April 28, 1998, and that the system was constructed in accordance with the approved plans.

12. As further described in the Petition, the sewage disposal system has the requisite State Pollutant Discharge Elimination System (SPDES) permit from the NYS Department of Environmental Conservation (NYSDEC) and the system continues to be in order and compliance with the terms of its SPDES permit. The permit number is 4-1020-00016. The SPDES permit was issued in 1991. The last renewal of the permit was in 2004, which took the permit up through 2015.

13. The effort by the Long Lake HOA to establish new transportation corporations for the water and wastewater systems followed the attempts to renew the SPDES permit in 2015. At that time, it was realized that the transportation corporations established by the developer had been dissolved. The NYSDEC advised the Long Lake HOA that, because

ownership of the systems by transportation corporations was a special condition of the original SPDES permit, new transportation corporations would have to be established and take ownership of the systems before the NYSDEC would renew the SPDES. As a result, the Long Lake HOA began the process of establishing the new transportation corporations.

14. The Town Board has carefully reviewed the Petition by the Long Lake HOA, as well as the exhibits and documentation which was provided to the Town Board in support of the Petition.

15. As has been described above, the systems for which the new transportation corporations are to be formed have been in-place and in existence since the early 1990s. The purpose of the Petition is to correct the mistake made by the developer in dissolving the transportation corporations which were originally established to own and operate these systems.

16. Because these systems are already in place, there was no need for the Town to engage an engineer to examine these systems.

17. The Long Lake HOA has provided evidence to this Town Board that the design of the water supply system was approved by the NYS Department of Health before the system was installed. Further, evidence has been provided to show that, since its installation, the operation of the water supply system has been overseen by the CCDOH and the system is in compliance with CCDOH requirements.

18. As regards the sewage disposal system, the Long Lake HOA has also provided evidence to this Town Board that the design of the system was approved by the NYSDEC prior to its being installed. The system has also received the required SPDES permit from the NYSDEC and it has maintained that permit until 2015, when renewal was denied due to the lack of a viable transportation corporation to own the system.

19. The Town Board determines that it is in the best interests of the citizens of the Town of Ancram for the Town to consent to the establishment of new transportation corporations to own and operate the Long Lake HOA water supply and wastewater systems. Such consent will allow these systems, which have been operated well and with all permits in place, to continue to serve the needs of the 68 approved lots in the Long Lake Cluster Development.

20. The Town Board determines that the area to be served by the water and wastewater systems to be owned and operated by the new transportation corporations to be established by the Petitioner shall be expressly limited to the 68 lots approved by the Town of Ancram Planning Board, forty nine (49) of which lots have been developed to date with homes, and nineteen (19) of which lots are presently vacant. Attached as Exhibit A to this resolution is a listing of the all of the approved lots in the community identified by tax parcel number. This list of lots represents the entire area to be serviced by the water and wastewater systems for which establishment of transportation corporations are sought.

21. The Town Board determines that the scope of its consent granted at this time is not materially different than the consent granted for the formation of the earlier, but now dissolved, transportation corporations.

BASED ON THE FOREGOING, NOW BE IT RESOLVED THAT Consents to Establish Proposed "Long Lake Water-Works Corporation

A. Pursuant to Article 4 of the NYS Transportation Corporations Law, the Town of Ancram Town Board consents to the formation of the "Long Lake Water-Works Corporation", for the purpose of supplying water to existing residential homes on the 49 developed lots in

the Long Lake Cluster Development on Arcadia Drive in the Town of Ancram, as well as to any new homes which may be built on the other 19 approved but undeveloped lots in the community, subject to any conditions set forth herein.

B. The area to be served by the "Long Lake Water-Works Corporation" shall be comprised of, and limited to, the 68 lots in the Long Lake Cluster Development approved by the Town of Ancram Planning Board, all of which lots are located within the borders of the Town of Ancram. A list of all those lots by tax parcel number is set forth on the schedule attached as Exhibit A to this Resolution.

C. Subject to any conditions set forth herein, The Town of Ancram Town Board consents to the filing, by the Long Lake HOA, of a Certificate of Incorporation of the "Long Lake Water-Works Corporation" with the New York State Department of State.

Consent to Establish Proposed "Long Lake Sewage-Works Corporation"

D. Pursuant to Article 10 of the NYS Transportation Corporations Law, the Town of Ancram Town Board consents to the formation of the "Long Lake Sewage-Works Corporation", for the purpose of supplying sewage disposal for existing residential homes on the 49 developed lots in the Long Lake Cluster Development on Arcadia Drive in the Town of Ancram, as well as any new homes which may be built on the other 19 approved but undeveloped lots in the community, subject to any conditions set forth herein.

E. The area to be served by the "Long Lake Sewage-Works Corporation" shall be comprised of, and limited to, the 68 lots in the Long Lake Cluster Development approved by the Town of Ancram Planning Board, all of which lots are located within the borders of the Town of Ancram. A list of all those lots by tax parcel number is set forth on the schedule attached as Exhibit A to this Resolution.

F. The Town of Ancram Town Board consents to the filing, by the Long Lake HOA, of a Certificate of Incorporation of the "Long Lake Sewage-Works Corporation" with the New York State Department of State.

G. Conditions of Consents - None

Authorization of Town Board Members to Sign Consent Certificate

H. The Town of Ancram Town Board authorizes those members of the Town Board who vote in favor of this resolution to execute the "Certificate of Consent to Formation of Two Transportation Corporations" and take any other action necessary to carry out the consents granted by this Petition.

The following resolution was offered by Councilman Clark and seconded by Councilman Boice and moved for adoption by a roll call vote. Resolution carried unanimously.

Resolution #34 of 2017: CERTIFICATE OF CONSENT TO THE FORMATION OF TWO TRANSPORTATION CORPORATIONS

The Town Board of the Town of Ancram, Columbia County, New York (Town Board), by a majority of the members of the Town Board, as signified by their signatures affixed below, certify that at a meeting of the Town Board held on October 16, 2017, that a resolution of the Town Board was adopted consenting to the following.

1. The formation of the "Long Lake Water-Works Corporation", pursuant to Article 4 of the New York State (NYS) Transportation Corporations Law, for the purpose of supplying water to residential homes comprising the Long Lake Cluster Development, on Arcadia Drive in the Town

of Ancram. The Long Lake community is comprised of 68 approved lots which are situated in clusters. Forty nine (49) of the lots have been developed with homes. Nineteen lots are vacant. Attached as Schedule A of the adopted resolution is a listing of the all of the approved lots in the community identified by tax parcel number. The lots set forth on Schedule A represents the entire area to be serviced by the water system for which establishment of the “Long Lake Water-Works Corporation” transportation corporation is sought. The Long Lake Cluster Development is located wholly within the borders of the Town of Ancram. This consent is granted pursuant to a Petition by the Long Lake Homeowners’ Association to the Town of Ancram Town Board, which contained documentation from the Columbia County Department of Health to establish the system was properly installed and maintained in compliance with applicable laws. All provisions of Section 41 of Article 4 of the NYS Transportation Corporations Law were met prior to the granting of this consent.

2. The filing of the annexed proposed Certificate of Incorporation of the “Long Lake Water-Works Corporation”.

3. The formation of the “Long Lake Sewage-Works Corporation”, pursuant to Article 10 of the NYS Transportation Corporations Law for the purpose of sewage disposal service to residential homes comprising the Long Lake Cluster Development, on Arcadia Drive in the Town of Ancram. The Long Lake community is comprised of 68 approved lots which are situated in clusters. Forty nine (49) of the lots have been developed with homes. Nineteen lots are vacant. Attached as Schedule A is a listing of the all of the approved lots in the community identified by tax parcel number. The lots set forth on Schedule A represents the entire area to be serviced by the sewage disposal system for which establishment of the “Long Lake Sewage-Works Corporation” transportation corporation is sought. This development is located wholly within the borders of the Town of Ancram. This consent is granted pursuant to a Petition by the Long Lake Homeowners’ Association to the Town of Ancram Town Board, which contained documentation from the New York State Department of Environmental Conservation, which is the governmental agency with approval jurisdiction over this system, to establish that the system was properly installed and maintained in compliance with applicable laws. All provisions of Sections 116 and 117 of Article 10 of the NYS Transportation Corporations Law were met prior to the granting of this consent.

4. The filing of the annexed proposed Certificate of Incorporation of the “Long Lake Sewage-Works Corporation”.

Charging station

Councilman Clark asked about the proposed \$80,000 grant and the fact that there are possibly 10 grants available. Kyle Loughheed has offered to donate to the town a dual port level 2 charging station along with the installation of such. It will charge 10 to 20 miles per hour. The board discussed that there are faster stations but those are much pricier. A motion was made by Councilwoman Israel and seconded by Councilman Boice to support the decision to accept the donation of the purchase and installation of a level 2 charging station by Kyle Loughheed and

Ginocchio Electric. Motion carried. Councilman Clark raised the question about liability on the town's end. The town's insurance will cover the station.

Habitat for Humanity

The planning board has approved the project to subdivide the lot in the Ancramdale hamlet to build a duplex. Judy Solane addressed the board and said that she was unaware of the project for some time and that she has several concerns including hamlet historic designation, the vision for the hamlet and what the town wishes to do with Ancramdale. She stressed that as a farmer along with others in the hamlet have kept their buildings in a good state.

Mr. Bassin felt that the project follows the comprehensive plan which describes the community's vision. The plan will be reviewed in 2018. As far as the project is concerned with the zoning board, it meets the requirements for the town, and has been given a permit. The historic designation is not a factor in not allowing the project.

Mrs. Sloane felt that the board as leaders of the town need to have a conversation with the owners of the project about the concerns of others in the hamlet. Councilman Boice stated that there had been public meetings about the project including at the Fire House. Mr. Boice felt that the process was not hidden. He did feel that there was little discussion about the building being built with a common wall but that he did agree that the town needs affordable housing.

Councilwoman Israel agreed that the town needs affordable housing and that this is a vital project.

Councilman Clark felt that this was a vision brought about by the Comprehensive plan and then brought forth through the zoning and subdivision laws. There is a notion of the hamlets as hubs of commerce. Mr. Clark said that the project is within the zoning law.

Jenn Boice thought that maybe Habitat would be open to suggestions on the colors and designs. Councilman Boice agreed and said that maybe this could be like the firehouse that with help from the community, was able to make changes to their project.

Supervisors Report

1. Financial Report – We received about \$173,000 in CHIPS funds in September, reimbursing us for road maintenance expenses incurred over the summer by the Highway Department. Our year-end cash is projected to be about \$ 711,000, slightly above the YE budget for cash of about \$685,000, after adjusting the cash budget for the truck loan prepayment of \$242,000.

2. Long Lake Home Owners Association – We will consider for approval the Long Lake Home Owners Association's request that we consent to the formation of two transportation companies to own and operate their water and wastewater systems.

3. Habitat for Humanity – Brenda Adams, executive director of the Habitat for Humanity, will attend our 10/16 TB meeting to update us on their project in Ancramdale to build two homes on the lot opposite the Presbyterian Church.

4. Doodletown WMA – DEC has responded to the Ancram CAC paper on the Doodletown WMA. Region 4 Wildlife Manager Mike Clark plans to hold a meeting in the next few weeks with the CAC's and Town Boards from the towns adjacent to the Doodletown WMA to discuss their plans for the WMA, and also plans to hold a public meeting on the WMA once their plan is done later in the Fall.

5. 2018 Preliminary Budget – The public hearing on the Preliminary Budget will be held prior to the 10/16 TB meeting. At this point we are projecting a 1% (\$7,600) drop in the tax levy with a contingent (reserve) account of about \$130,000, about \$76,000 higher than the budgeted contingent account in 2017 of \$56,000. The Preliminary budget has a 2.5% salary increase for all employees except TB, Supervisor, Judges, Animal control & Building Mgr. The major uncertainties at this point are the health, property & liability insurance costs.

A motion was made by Councilwoman Israel and seconded by Councilman Boice to give Salary increases across the board. Discussion was as follows:

Councilman Clark felt that while he agrees with the reasoning, he is hung up on labeling the board members as employees and feels that the job has a bit of a volunteer element to it.

Councilman Boice felt that the job of Supervisor, which has several responsibilities, should have a raise.

Supervisor Bassin felt that the other boards, zoning and planning are volunteer and not paid even though he would like to pay them. He felt it was inappropriate for the Board to vote for raises for themselves.

From the floor, Bill Broe stated that the job is a civic duty and that it should be totally volunteer.

Jenn Boice asked what the pay is for other towns. Mr. Bassin said that Ancram is the lowest paid.

Mr. Bassin called for a roll call vote. It was as follows. Supervisor Bassin and Councilman Clark: No. Councilman Boice and Councilwoman Israel: Yes. There being no majority of the board in favor, the motion was defeated.

There were no snow plow bids received. A motion was made by Supervisor Bassin and seconded by Councilman Clark to have the Highway Department plow the town hall parking lot for the winter of 2018. Motion carried.

Town Board

Councilwoman Israel stated that the cemetery sign will be installed soon.

Highway

Mr. Miller reported that the culvert on Poole Hill has been paved.

The new tractor will be delivered in the next few weeks.

Mr. Miller solicited three quotes for new graders: Catapiller \$250,000, John Deere \$240,000 and Case \$225,000. Mr. Miller felt that of the three the John Deere was the better vehicle.

Court

The court offices will be closed the week of Thanksgiving.

Communications

The website will be ready to change over at the end of the year.

A camp and pool forum will be held on November 4, 2017 at 10 am at the town hall.

A letter and email will go out at the beginning of next year regarding the comp plan review.

The residents of Doodletown Road will have the opportunity to get together with the DEC and adjacent towns affected by the Doodletown WMA at some point in the coming months.

The board discussed the Paid Family Leave act. The town will have to decide in the coming weeks if they wish to opt into the program or not. And then it will have to be decided if it will be a payroll deduction. Councilwoman Israel felt it was a benefit the town can offer.

Councilman Clark would like to hear what the insurance man has to say.

Mr. Bassin touched on the unsafe buildings. He stated that one has been boarded up. The other has taken care of its roof. Jenn Boice brought up a program called Project 5 from NYS that she heard of that helps owners take down derelict buildings.

Mr. Bassin went to a meeting about LUCA and came away feeling that the town does not have the resource to tackle this. He will approach the county.

The following resolution was offered by Councilman Clark and seconded by Councilman Boice. Resolution carried unanimously.

Resolution #35 of 2017 Town Investment Policy – Resolved, that section 5.12 of the Town's Organizational Resolutions adopted at the January, 2017 Organizational Meeting regarding the Town Investment policy be modified as follows:

5.12 Town investment policy is to maintain funds in an interest bearing money market account with the Town's depository bank, with deposits over FDIC insured limits collateralized by securities pledged by the Town's depository bank or their agents. In rate environments when short term US treasury

securities offer significantly higher yields than bank money market rates, the Town Supervisor is authorized to invest town funds in short term US treasury securities purchased through the town's depository bank. The Town Supervisor shall report all trades in short term US treasury securities and the Town's net position in US treasury securities to the Town Board and the Financial Advisory Council monthly, as part of the Town's normal financial reporting process.

It is further resolved, that the Town of Ancram Financial Control Policies and Procedures Manual be updated to reflect this change in investment policy.

The following resolution was offered by Councilman Boice and seconded by Councilman Israel and moved for adoption. Motion carried unanimously.

Resolution #36 of 2017 Retiree Health Insurance – Resolved, that the Ancram Supervisor is authorized to enter into an agreement with Blue Shield to provide health insurance in 2018 to two retirees using the Blue Shield Forever blue 799 (PPO) Plan EF 1 TRx, which is the same plan that is in effect for retirees in 2017 at a premium cost of \$346 per month per retiree, which the Town will pay; it is further resolved that as in 2017, the Town will contribute \$850 to each retiree as partial compensation for out of pocket drug and medical co pay costs, and will reimburse each retiree for medical costs over \$3400 up to the policy OOP maximum of \$5,000.

A motion was made by Councilwoman Israel and seconded by Councilman Clark to approve the following General budget adjustment. Motion Carried. \$2000 to 8810.4 Cemeteries from the Fund Balance.

A motion was made by Councilman Clark and seconded by Councilwoman Israel approve the warrant and pay the bills. Motion carried.

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

Respectfully submitted by,

Monica Cleveland

Ancram Town Clerk