

**Town of Ancram
Town Board
Regular Meeting
December 17, 2020
(Conducted via Zoom)**

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

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

Mr. Bassin asked if there were any items on the agenda any members of the board need to recuse themselves from. There were none.

A motion was made by Councilman Clark and seconded by Councilwoman Israel to approve the minutes of the previous meeting and have them placed on the record. Motion carried.

Paul Riccardi of the Ancram Hamlet Committee addressed the board concerning the Ancram Historic District marker. Mr. Riccardi had sent an email to the board the past week. The committee had decided that the town place the marker either on the small strip of land next to the Ancram Post Office on Route 7 or on the property of the Ancram Little Store. The property next to the Ancram Post Office is in the process of being purchased by James Kennedy of the Simons General Store building. Mr. Miller suggested that the committee ask the county if the location is okay because this will be on a county road. Councilwoman Israel said that she had not had to do this for the Welcome to Ancram signs. Councilman Boice noted that the Post office location will put the sign right next to an aboveground septic tank. Mr. Riccardi felt that this wouldn't be an issue. A motion was made by Supervisor Bassin and seconded by Councilwoman Israel to delegate the Ancram Committee the group to decide the placement of the marker. Motion carried.

Town Justice Cathy Redlich came before the board to discuss certain court issues. Judge Redlich told the board that due to an ongoing civil matter, Judge Wittlinger was taking a leave of absence. Ms. Redlich said that the leave is for an undetermined time. The town had asked the Court Office of Administration if Judge Wittlinger could work non public court nights and COA was opposed to this. Judge Redlich said that the case is currently in the discovery section but due to Covid, they do not know how depositions will go forward. If the case is not settled, the process could be lengthy, possibly a year or longer. If the Town of Ancram Court gets busy, a special council can be assigned from another county and NYS will pay for this. Councilwoman Hundt asked if this case of Mr. Wittlinger was a civil case. Ms. Redlich said it is and that while a criminal matter is being investigated, the town is not liable and there has been no notice of

Claim that has come to the town. The town has no negligence. Councilwoman Hundt asked if Mr. Wittlinger is being paid. Mr. Bassin said that Mr. Wittlinger was being paid and that as an elected official, the town is obligated to pay him although he can forfeit pay. Mr. Wittlinger has said he wished to still receive his wages.

Ms. Redlich now commented on the town newsletter of which committee she is a part of. Ms. Redlich said that in regards to the letter from Donna Hoyt, she felt that Mrs. Hoyt has issues with the town board and is confusing that with the town newsletter. She reminded the board that the newsletter committee works very hard and they all volunteer their time. She feels that they put out a quality product and they try very hard to cover all of Ancram. Ms. Redlich noted several instances of this. Councilman Boice said that he will give Ms. Redlich a phone number for Mrs. Hoyt so that she can speak to her about her concerns.

Mr. Bassin asked the town board members if they had any questions or comments about the 2021 Organizational resolutions. The 2021 Organizational Meeting will be held January 7, 2021 at 6:30pm via zoom. Councilwoman Hundt asked if there will be changes to the planning board. Mr. Bassin said that Mr. Ingram will renew his membership. Councilwoman Hundt said that there was bad attendance on that board. Mr. Bassin said that John Hoffman is looking at attendance. Councilwoman Hundt noted an alternate is needed on zoom.

The following resolution was offered by Councilman Clark and seconded by Councilwoman Hundt. Mr. Bassin asked for comments. Councilman Clark reported that Nan Stolzenburg feels the resolutions are appropriate. All members of the board agreed. The resolution carried by unanimous roll call vote.

Resolution #46 of 2020: Resolution – Objecting to Article 10 of the New York State Public Service Law in that it violates Home Rule

WHEREAS, the Town of Ancram has engaged in many years of careful planning including but not limited to the adoption of a Comprehensive Plan, a Farmland Protection Plan, a Scenic Corridor Overlay Plan and a Solar Law and by these plans and zoning laws has sought to protect its natural resources and preserve its rural character, open space and farmland ; and

WHEREAS, New York State is a Home Rule State, an

WHEREAS, Article 10 of the New York State Public Service Law violates the rights of Towns to exercise Home Rule and interferes with local zoning powers,

NOW, THEREFORE BE IT

RESOLVED, that the Town of Ancram opposes New York State approval of renewable energy projects which are inconsistent with local laws and opposed by local governments; and

RESOLVED, that the Town of Ancram urges Governor Andrew Cuomo, Governor of the State of New York; the New York State Senate and the New York State Assembly to adopt legislation which would meet the challenges of climate change without violating Home Rule and local zoning powers and which would more fairly distribute the responsibility of confronting Climate Change among all communities throughout the State instead of placing a disproportionate burden on small rural communities.

The following resolution was offered by Councilwoman Israel and seconded by Councilwoman Hundt. The resolution carried by unanimous roll call vote.

Resolution #47 of 2020 – Opposing the Construction of the Shepherd’s Run Solar Project in the Town of Copake and Seeking alternatives to Article 10 which would not violate Home Rule:

WHEREAS, on August 5, 2020, Hecate Energy Columbia County 1 LLC did file a Preliminary Scoping Statement pursuant to Article 10 of the New York State Public Service Law, by which Hecate detailed its plans to construct Shepherd’s Run Solar Facility, a utility scale solar plant capable of generating 60 megawatts of energy to be sited on private property in the Town of Copake, to wit: on farmland in the hamlet of Craryville; and

WHEREAS, the project area proposed by Hecate is according to project maps 2,452 acres which would include up to 500 acres—nearly one square mile—of solar arrays; and

WHEREAS, the Town of Ancram, like the Town of Copake, has engaged in many years of careful planning including but not limited to the adoption of a Comprehensive Plan, a Farmland Protection Plan, a Scenic Corridor Overlay Plan and a Solar Law and by these plans and zoning laws has sought to protect its natural resources and preserve its rural character, open space and farmland ; and

WHEREAS, New York State is a Home Rule State, and

WHEREAS, Article 10 of the New York State Public Service Law violates the rights of Towns to exercise Home Rule and interferes with local zoning powers,

NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Ancram hereby opposes the development and installation of Shepherd’s Run; and it is further

RESOLVED, that the Town of Ancram opposes New York State approval of renewable energy projects which are inconsistent with local laws and opposed by local governments; and

RESOLVED, that the Town of Ancram urges Governor Andrew Cuomo, Governor of the State of New York; the New York State Senate and the New York State Assembly to adopt legislation which would meet the challenges of climate change without violating Home Rule and local

zoning powers and which would more fairly distribute the responsibility of confronting Climate Change among all communities throughout the State instead of placing a disproportionate burden on small rural communities.

Supervisors report

1. Financial Report – November numbers were as expected, and our year end cash forecast continues at about \$1.1 - \$1.2 million. YTD sales tax receipts are about flat to last year. We received \$36,000 in the second mortgage tax check, which makes the total 2020 mortgage tax number about \$66,000, about \$36,000 better than budget.
2. Ancram Historic District Marker – Ancram Hamlet Planning Group co-chair Paul Ricciardi will review final recommendations for the location of the Ancram Historic District sign.
3. Draft Organizational Resolutions – We will review and discuss these resolutions and consider them for adoption at our Organizational Meeting in January.
4. Copake Resolutions – We will review and consider two resolutions proposed by the town of Copake – one objecting to Article 10 of the NYD Public Service Law in that it violates Home Rule and one that opposes the Shepherd’s Run solar project in Copake.
- 5.. Town Property & Liability Insurance – FAC has reviewed bids from two firms and recommends that we accept the proposal from Kneller Insurance to go with Tokio Marine-HCC at an annual cost of \$23,500, which is about \$5,000 less than our 2020 cost. Tokio Marine is an A+ rated company. The competing bid was \$1,000 higher annually, from NYMIR, which is an A-rated company and is a reciprocal, which means policy holders could be assessed to help pay losses.
6. Employee Health Insurance – We will consider a resolution approving an employee health insurance plan that is basically same as our 2020 plan.
7. Retiree Health Insurance – We will consider a resolution to approve a health insurance program for eligible employees who retire after January 1, 2021 and their spouses.
8. HVAC at Town Hall – The geothermal system we have been looking into has become significantly more expensive than originally assumed, so we are now looking into an air source heat pump system, which our remaining \$70,000 NYSERDA grant will support. George Wittlinger and Suzan Flamm have met with 4 contractors who may be interested in bidding on this project. We expect to get estimates in the next few weeks, and will develop an RFP to solicit formal bids if the project seems economically feasible.

The following resolution was offered by Councilman Clark and seconded by Councilwoman Israel. Resolution passed by unanimous roll call vote.

Resolution #48 of 2020: Property/Liability Insurance – Resolved, that the Town Supervisor is authorized to enter into a one year agreement with the Tokio Marine Insurance Company through the Kneller Agency to provide property and liability insurance for the Town of Ancram at a cost not to exceed \$23,500.

Mr. Bassin reported on the Geothermal System at the Town Hall. Mr. Bassin said that the town is looking at other options, including an air source heat pump. He will report more when it comes available.

Mr. Bassin reported that the Town Hall computers had been installed the prior day. This includes a security system and a fire wall.

Mr. Bassin reported on the town health insurance policy. This will be a CDPHP 424 program. Councilwoman Hundt asked if there was a better rate with a municipal program. Mr. Bassin said no.

The following resolution was offered by Councilwoman Israel and seconded by Councilwoman Clark and moved for adoption. Resolution carried by unanimous roll call vote.

Resolution #49 of 2020 Employee Health Insurance – Resolved, that the Town Supervisor is authorized to contract with CDPHP for their 424 Bronze Plan to provide health insurance for all eligible employees and spouses at a premium of \$464 per month, and be it further resolved that the Town will pay 100% of the health insurance premium for eligible employees and 50% of the premium for spouses and family members, and be it further resolved that the Town will contribute \$750 to each eligible employee's HSA, and be it further resolved that employees will be responsible for paying the first \$1500 of medical costs incurred by employee and family, and be it further resolved that the Town will pay medical costs over \$1500 for each employee and family until the insurance takes over, and be it further resolved that any employee deciding to opt out of the health insurance plan and take the health insurance buyout instead will received \$400 per month if employed prior to 1/1/2011 or \$300 per month if hired after 1/1/2011.

The following resolution was offered by Councilwoman Hundt and seconded by Councilwoman Israel and moved for adoption. Resolution carried by unanimous roll call vote.

Resolution #50 of 2020: Existing Retiree Health Insurance – Resolved, that retirees or retiree spouses currently covered by Town retiree health insurance may opt out of the town retiree insurance program in order to purchase health insurance directly, and opt into the health insurance buyout program and be paid \$400 per month.

Mr. Bassin told the board members that the town is required to have a Health Emergency Management Plan by April 2021.

The following resolution was offered by Councilman Clark and seconded by Councilwoman Israel and moved for adoption. Resolution carried by unanimous roll call vote.

Resolution #51 of 2021: Future Retiree Health Insurance Eligibility: Resolved, that Town of Ancram employees who retire after January 1, 2021, and at the time of their retirement are also eligible for Town health insurance, will be eligible for a Town paid retiree health insurance benefit based on their number of years of continuous service as follows: *for between 10 and 15 years of continuous service, the Town will provide a payment equal to 50% of the maximum employee health insurance buyout available at the time of retirement, which would currently be \$200 per month; and *for between 16 years and 25 years of continuous service, the town will pay 75% of the maximum employee health insurance buyout available at the time of retirement, which would currently be \$300 per month; and *for over 25 years of continuous service, the town will pay 100% of the maximum employee health insurance buyout available at the time of retirement. which would currently be \$400 per month; and Be it further Resolved

that the spouse of an eligible employee who retires and opts for the retiree health insurance buyout may also elect to participate in the retiree health insurance buyout program at the same level of benefit as the employee retiree; and Be it further Resolved that this retiree health benefit for an eligible employee's spouse shall continue for the employee's spouse following the death of the eligible employee, and Be it further Resolved that the amount of the monthly health insurance buyout payments under this program shall be reviewed and may be adjusted by the Town Board annually as part of the annual budget process.

Town Board Member Comments

Mr. Clark noted that the Simons General Store is decorated beautiful for the holiday.

Councilwoman Hundt read the following letter from Brenda Adams, to report on the ongoing Habitat House in Ancramdale.

So nice to hear from you and of your continued work for affordable housing. Apologies, I missed your email earlier but received the email forwarded from the information address.

The houses are substantially complete although some finish work was delayed due to the Covid shutdown which impacted availability of materials, contractors and volunteers. We're hoping to get the final grading done before the end of the year which will complete the work.

The far larger issue has been families; we've had a number of families apply that meet all of the eligibility requirements but for the Ability to Pay. Bankruptcies, credit problems, working family members without proof of income or residency status have disqualified a number of families; they are unable to get a USDA or other mortgage. We have had a couple of families apply that make too much money (over 80% of Columbia County AMI) to qualify for affordable housing. Outreach / recruitment for families has far exceeded anything we've done for other houses, we have recruited extensively in northern Dutchess County (houses are in the Pine Plains School District) as well as Columbia County. We have met with over 80 employers, faith groups and food pantries, and sent flyers home in electronic school backpacks, multiple times. The rural location of these houses may also be an issue; we have completed and sold houses in Copake and Valatie since these houses were begun.

We have attributed some of the difficulty in finding families to the rising gap between wages and cost of living; working families have had to make increasing difficult choices between basics such as food, housing, heat and healthcare, leaving a trail of debt behind them. And since March, many working families have been furloughed or experienced reduced or lost wages; staying healthy and surviving has understandably been their priority. Our application process has also been negatively affected by Covid due to limited mobility and lack of access to the many resources / outlets where we recruit.

So what are we doing now? We have a new application cycle underway led by Susan Krim, Elaine Levy, Chris Fish Acker and others with new energy and contacts. There's a new recruitment flyer, and we're sending Art an update for his email list. Any thoughts you may have to further our efforts would be much appreciated.

Highway Department

Mr. Miller reported that the department has been working through the snow storm. Mr. Miller said that it worked well having Jim Murphy plowing per diem for the town. He used the town's oldest truck. Mr. Miller reported that Jose Alya, the town's part time employee, was plowing Finkle road with the small dump truck and couldn't make it up the hill and slid into the ditch. Because of the way the truck was in the ditch, it had to be towed out. Mr. Miller said that he is in the process of setting up a Covid shadow crew. This would be three qualified people who could come in and plow snow if the town highway department had a covid situation.

Councilwoman Hundt asked if the department has a hiring policy. Mr. Miller said that these people who are on the shadow crew are qualified individuals, with cdl's who may have worked for the town in the past. Ms. Hundt noted that the position needs to be advertised and that this should be policy.

Councilman Boice asked about the part time employees and if they need to be drug tested. Mr. Miller responded that he will ask the county association how they handle part time employees. Mr. Boice felt that the part time employees should have the same testing as the other employees. Councilwoman Hundt remarked that background checks and drug testing should be for all of the employees. Mr. Miller said that these items, like the drug testing are standard for CDL full time employees. It is not policy for part time. Mr. Miller said that in regards to the shadow crew and the part time per diem plow man, Mr. Miller looked at the past and the hiring of the wingmen the town used to use. If the position for the part time plow man came up for full time position, there would of course be an application process and drug testing. At this time, the new per diem plow man works full time as a mechanic at Pine Plains tractor.

Mr. Bassin agreed that the need for this position is unpredictable and last minute. The town can advertise for it. But Mr. Bassin noted that this position is like that of a substitute teacher.

Mr. Miller asked if the town board felt that the proposed shadow crew should be advertised as well. Mrs. Hundt said yes.

Councilman Boice asked if the town board was going to have an executive session. Mr. Bassin said the board will if there is a motion to do so.

The following resolution was offered by Councilwoman Hundt and seconded by Councilwoman Israel and moved for a vote. Resolution carried by unanimous roll call vote.

Resolution #51 of 2020 Records Management - Resolved, that Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local

government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein. FURTHER RESOLVED, that in accordance with Article 57-A: (a) only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein; (b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

Mr. Bassin told the board that Mr. Ferratto had received an application and had interviewed a Jason Beeman for the deputy ZEO position. Mr. Beeman has passed his certification. Ed Would like to hire him. Mr. Clark asked that Mr. Ferratto make sure he gives Mr. Beeman instruction on Ancram's Zoning Law.

A motion was made by Councilwoman Israel and seconded by Councilman Clark to hire Mr. Jason Beeman as the Town of Ancram Deputy Zeo/Ceo. Motion carried unanimously.

Councilwoman Hundt asked if a clerk is still needed for this department. Mr. Bassin said that Marie has not resigned yet.

Councilwoman Israel asked if Mr. Wittlingers leave of absence includes the building manager position. Mr. Bassin said it does not.

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

Mr. Bassin noted that the next board meeting will be the Organizational Meeting on January 7, 2021 at 6:30pm. The regular meeting will be held on January 21, 2021 at 7:00pm. Both meetings will be via Zoom.

Councilman Boice made a motion to adjourn to executive session to discuss a personnel issue. Councilman Clark noted that the motion does not meet the test in the Open Meetings Law to allow for an executive session.

Councilman Boice said that he did not agree but that in that case, he would share his concerns in the open meeting. Mr. Boice said that there are multiple issues that he does not understand. He listed them as the following: - He felt the town board discusses speed limits yet there is a resolution from two years ago concerning a speed limit and nothing has progressed on it.

-Concerns with the highway employees and the superintendent having multiple accidents with town machinery and that in the handbook it states that the head of the department needs to notify the town supervisor within 24 hours in writing and that this is not happening.

-The part time employee has been involved in an accident.

-That Mr. Boice had made complaints about Mr. Ferratto and the derelict building list and the fact that it was incorrect and incomplete, yet after making his concerns known he had to apologize to Mr. Ferratto.

-The part time employees wasn't drug tested and yet is driving around in a \$70,000 town truck.

Mr. Boice would like the town to set up an accident review policy and committee. At this time, Mr. Miller noted that he felt Mr. Boice does not like the part time employee because of the way he mows the law. Mr. Boice agreed that Mr. Ayla mows dangerously.

Mr. Boice said he would like to see the spot in the employee manual that covers accidents and he would like to see the accident reports.

Councilwoman Hundt felt that the town board doesn't know what happens at the Town Garage. She would like a more detailed report from the Highway each month. She felt there needed to be more transparency at the Highway Department.

Supervisor Bassin asked that he would like Councilman Boice and Councilwoman Hundt to write down how they think these issues need to be handled.

It was noted that the board need to discuss this in executive session. Once again, Mr. Clark said that the motion had to meet standards. Councilwoman Hundt said that this was a privacy issue.

Mr. Bassin asked that Ms Hundt and Mr. Boice write down their issues and proposed solutions so the Board could consider them and discuss.

Councilwoman Israel suggested that the Superintendent just ask Mr. Ayla to be drug tested. Councilman Boice noted that in the handbook it notes how accidents are to be handled. Mr. Bassin asked that Mr. Boice find that section and bring it to the board.

There being no more comments, a motion was made by Councilwoman Hundt and seconded by Councilwoman Israel to adjourn the meeting. Motion carried.

Respectfully submitted by,

Monica Cleveland
Ancram Town Clerk