

April 19, 2011

The regular Town Board meeting of the town of Stony Creek was held on April 19, 2011.

Supervisor Thomas called the meeting to order at 7:00PM with members present:

Councilman Dale Aldrich

Councilman Harry Paul Gill

Attorney James Cooper

Absent: Councilman Stanley Ross

Councilman William Liebl

March 15, 2011 minutes:

A motion was made by Councilman Gill seconded by Councilman Aldrich to accept the March 15th, 2011 minutes. All in favor, motion carried.

April 13, 2011 minutes:

Correction: Supervisor Thomas stated the tandem truck wasn't sold to the City of Glens Falls it was sold to Robert Lanfear of Lake George. The City of Glens Falls thought about it. We didn't say at the meeting who did buy it.

Corrected Resolution: 066-11. A resolution was made by Councilman Liebl seconded by Councilman Gill to accept the offer of \$6000.00 from Robert Lanfear of Lake George for the 1986 Ford L9000 single axle highway tandem truck with plow, wing and sander. Roll call vote, all in favor.

067-11. A resolution was made by Councilman Gill seconded by Councilman Aldrich to pay the General Fund bills in the amount of \$29,988.91.

Discussion: Supervisor Thomas stated the Property and Causality Insurance renewal bill was \$21,903.36; this is without the truck that was just sold. He suggested going out to bid next year for the insurance. Roll call vote, all in favor.

068-11. A resolution was made by Councilman Aldrich seconded by Councilman Gill to pay the Highway Fund bills in the amount of \$35,537.54.

Discussion: Councilman Aldrich stated the salt bill for January and February was \$10,913.21 plus he went down and looked at the garage, at different things and brought to attention about the painting and what they are doing with the equipment, as far as painting the plows, wings and all that, that is what a lot of the expense was.

Supervisor Thomas asked about the H.L. Gage Bill in the amount of \$3519.00.

Supt. Bradley stated \$2964.05 was the cam repairs to the red truck there was no charge for the turbo or labor. We have an extended parts warranty they knocked off \$1500.00 and the reason it took so long to pay that bill was we were arguing that with the turbo. There was a huge discrepancy on who was going to pay that, if the Cat was going to pay what, that's why the bill was late. The fan went in Larry's Yellow International truck, which was \$256.00.

Roll call vote, all in favor.

069-11. A resolution was made by Councilman Gill seconded by Councilman Aldrich to pay the Fire Fund Bill in the amount of \$1,128.71.

Roll call vote, all in favor.

Town Clerk Report:	
Copy of Marriage license	\$10.00
Fax	1.00
Copies	<u>.25</u>
Total Town Clerk fees	\$11.25
Dog licensing	<u>40.00</u>
Total Town Revenues to Supervisor	\$51.25
NYS Ag. & Markets	<u>\$ 8.00</u>
Total disbursed	\$59.25

Correspondence:

Dog Control Log-March 2011

1000 Acres Ranch-renewing there liquor license.

Bonnie Bills permission to use the park pavilion July 9th, 2011 from 12:00-6:00 PM for a Birthday Party.

Stony Creek Chamber of Commerce-permission to use the town park, pavilion, the mini park at the four-corners for tent set up and dancing for the Mountain Festival Friday August 5th and Saturday August 6th, 2011.

Resolution authorizing the town of Stony Creek to join with and cooperate with the County of Warren and other municipalities for purposes of soliciting bids for solid waste disposal.

A motion was made by Councilman Aldrich seconded by Councilman Gill authorizing Bonnie Bills permission to use the Park Pavilion on July 9th, 2011 from 12:00-6:00 PM for a Birthday Party and the Stony Creek Chamber of Commerce use of the park, pavilion, and the mini park on the four corners for the Mountain Festival festivities. All in favor, motion carried.

Old business:

Parks-Concession stand: Supervisor Thomas prepared plans of how it maybe built and set up. The Board talked about a 12x12 but when it came to putting things inside he didn't think it would work to well so he changed it to 11x17, it's up to the Board on what we do.

Councilman Gill asked who would use this. Supervisor Thomas stated it might have to be an organization, Fire Dept. Library, Chamber of Commerce or some other organization formed, Historical Association. Councilman Gill asked if we were going to charge for them to use it. Supervisor Thomas stated we could. Councilman Gill stated if they use gas it will be our gas they are using to cook with.

Supervisor Thomas stated the counter is across the front and half way down each side. He anticipates you would have plywood and if its not used you can close off the open.

Councilman Aldrich asked if the walls were going to be closed in. Supervisor Thomas stated the back will be and two doorways on each end and the front you could close.

Attorney Cooper stated the garage sale in Warrensburg, the Department of Health really cracked down on Mom and Pop vendors and it's up to you but you may want to run the plan by DOH to see if you have enough sink space or what ever kind of rules and regulations they have that they could come in after the fact and say its not good enough. It's just a thought.

Councilman Aldrich stated if it's opened without running water would they have to have jurisdiction over it. Supervisor Thomas stated he wasn't sure.

Nate Thomas stated unless it's prepackaged food. Selling ice cream under Stewart's is under the Department of Agriculture; you can get around the Dept. of Health. They closed down the 4-H at the Warren County Fair last year because they didn't have the right Dept. of Health stamp. The town would have to get a certified Dept of Health or each Organization would have to do it. Supervisor Thomas stated he knows the Library gets it and also the Chamber of Commerce.

Supt. Bradley stated the Dept of Health would be worried about the water. You serve off plastic so you eliminate all that stuff. The water is already chlorinated. Supervisor Thomas stated at this point we aren't going to have water in there.

Councilman Aldrich asked what do they do next.

Supervisor Thomas stated we would have to get a building permit, we don't have to pay for them but do have to get one. Councilman Aldrich asked who would do the work. Supervisor Thomas stated he was thinking we should hire a couple of temporary employees. If you put it out to bid you have to pay prevailing wage. Councilman Aldrich stated if the town buys the material and someone puts up the labor does that have to be prevailing wage? Supervisor Thomas stated if the town buys the material, Councilman Aldrich stated if the town buys the material and someone else furnishes the labor. Supervisor Thomas stated yeah he would say so, there not employees. Councilman Gill stated what if you get volunteers. Supervisor Thomas stated yeah if you can find the volunteers. Councilman Gill stated they would benefit from it to.

Supervisor Thomas stated it's not that big. Supt. Bradley asked if it was anything over \$10,000.00. Supervisor Thomas stated anything we do. Even if you get the furnace fixed if the guy has an employee he has to be paid prevailing wage.

Councilman Aldrich stated that this is going to be an occupancy fund. Supervisor Thomas stated yes. Councilman Aldrich asked if this was going to have cement floor. Supervisor Thomas stated yes. Councilman Aldrich stated it's not a big project and if it could be done in house with the highway and Harold.

Supt. Bradley stated yeah Dave and Donald are good builders and could do it; this will be done this Spring. Councilman Aldrich stated you would have a month to do before the music starts in the park.

Supervisor Thomas will run it by the Warren County Building Code Office and figure out the materials and price of where we are.

Attorney Cooper asked if there is a provision in using bed tax funds for capital improvements.

Supervisor Thomas stated not according to his guidelines no. It depends on who you talk to.

Councilman Aldrich stated if the Board ok's it then we're in the hot seat, they'll say don't do it again or. Attorney Cooper stated make you pay it back. Councilman Aldrich stated actually it is to benefit tourism because the primary use would be the "Music in the Park". Attorney Cooper stated he thought that they may have an arbitrary rule the County drew up.

Recycling/Transfer station:

Recycling fee schedule: Supervisor Thomas gave a copy of the fee schedule to the town board for review and update. It hasn't been updated in a number of years at least five and maybe longer, it should be updated and more accurate. Supervisor Thomas stated brush would need to be taken off. Councilman Aldrich recommends leaving household garbage as is and as far as tires, large appliances, if they need to be increased or whatever. Councilman Aldrich stated this was in effect in 2002, that's many moons ago.

Supervisor Thomas stated that electronics would be separate and stored inside. Councilman Gill stated Waste Management where he works isn't charging right now to take electronics as of right now until New York State changes things.

Supervisor Thomas stated a gentleman named Tony will be at the landfill at 1:30 to look at it and feels we will be able to get rid of the electronics.

Warren County Agreement soliciting bids for solid waste:

Supervisor Thomas stated it would be authorizing the towns to join with and cooperate with the County of Warren and other municipalities for purposes of soliciting bids for solid waste disposal. As of November the Warren and Washington County will be selling the trash plant and be out of the trash plant business and at that time the counties can either go their own way and the towns can go their own ways, we can do whatever we choose to do but it was thought at Warren County that if all the towns join together and put all the garbage together that we could go out to bid with it and try to get the best price whether at the trash plant, Harm Hollow or Clinton County Landfill. That is the intent of the resolution.

Attorney Cooper stated there is really no place where our trash could be hauled and transferred to another carrier, hauled up to Clinton County for instance.

Councilman Gill stated where he works they take the stuff up to Clinton County.

Attorney Cooper stated what he is driving at is the contract, we should be keeping an eye open for the vender to pick up our stuff and haul it off to save us the transportation cost, in that sense we get a nice ride from the overall county contract because otherwise we will be paying transportation charges someplace. Supervisor Thomas stated he thinks it is defiantly in our interest to pursue this. We are such a small town, not that we can't get rid of our garbage he is sure we can, but don't need to pay more then we need to.

070-11. A resolution was made by Supervisor Thomas seconded by Councilman Aldrich
AUTHORIZING THE TOWN OF STONY CREEK TO JOIN WITH AND COOPERATE
WITH THE COUNTY OF WARREN AND OTHER MUNICIPALITIES FOR PURPOSES OF
SOLICITING BIDS FOR SOLID WASTE DISPOSAL

WHEREAS, solid waste from the Town of Stony Creek has been historically hauled to the trash plant, and

WHEREAS, Warren and Washington Counties waste disposal agreements under which solid waste is delivered to the Hudson Falls Resource Recovery Facility (hereinafter the "trash plant") are set to expire during November of 2011, and

WHEREAS, it has been proposed that Warren County and local municipalities within the County undertake the following actions:

1) That the County and interested local municipalities (the Towns, the City of Glens Falls and the Village of Lake George) join together for purposes of soliciting bids for the disposal of solid waste, recyclables, construction and demolition debris and household hazardous waste and/or any combination of the foregoing (hereinafter "various solid waste") which the municipalities have control over;

2) That Warren County departments and officials assume the responsibility for identifying the amount of various solid waste available for disposal and those amounts that could potentially be available from the county and local municipalities and accordingly develop bid

specifications and take such other action as may be necessary to seek bids from parties interested in accepting such various solid waste;

3) That as part of the process of ascertaining the quantities of solid waste that may be available that the county and local municipalities consider the savings benefit of consolidating solid waste collection through municipal pick up, franchising, districting and/or other legal mechanisms to allow greater savings and aggregating such solid waste as may be available by the participation of Washington County and/or municipalities therein, if such county and municipalities are interested in such participation;

4) That solid waste hauling and collection continue to be reviewed and plans for such be developed at a future date,

NOW, THEREFORE, BE IT RESOLVED, that the Town of Stony Creek hereby determines that it is in the municipality's best interest to join together with Warren County and other interested municipalities for purposes of soliciting bids for the disposal of solid waste, recyclables, construction and demolition debris and household hazardous waste and/or any combination of the foregoing, and

E IT FURTHER RESOLVED, that the Town Supervisor and such other Town Officials and employees as maybe necessarily involved, provide such information as County Officials may need and work with the County to develop the bid specifications and other documents necessary to seek bids from parties interested in accepting such various solid waste with the understanding that the Town of Stony Creek shall have an opportunity to review the bids and following the bids, determine whether to execute an intermunicipal agreement or such other documents as may be required to join with the County and other municipalities to use the disposal services of the successful bidder.

Roll call vote, all in favor.

Animal Control

Dogs: Attorney Cooper reported on the question that Councilman Liebl had last month. He checked with the Dept. of Agriculture and Markets attorney and he said that all dogs have to be licensed after age six months and they never had a kennel license that would cover all the dogs, the department did have a pedigree license at one time which allowed the owner to license all the dogs, they would still pay for licensing each dog but for some reason the department would assign one license number to the whole pack. He doesn't know of what advantage anyone derives from that so if we were to adopt that solution it wouldn't change the fact that the owner would still have to pay a fee for all his dogs. Councilman Liebl asked if there was a kennel license for people who run beagles or sled dogs or something like that and the answer is no. It seems that if all dogs need to be licensed six months of age, it doesn't seem to be a way for the town to get around that.

Committee report:

Landfill:

Supervisor Thomas reported that dump cards have been mailed out April 2nd, 2011.

Francis J. Dean Farm Heritage Trail:

Mary Odell from APA will be at the parking lot by the Historical Association April 27th, 2011 to walk around the field to see what wetlands we would be disturbing and see if the town needs a permit. Attorney Cooper stated to construct the trails. Supervisor Thomas stated yes.

New business:

Buildings:

Town hall phone system-Supervisor Thomas stated he has been soliciting prices to fix the phone system in the town hall he has gotten two so far and expect a third. So far the price for one is \$4257.00 and the other is \$2942.78. It's for eight phones, voice mail and putting it in. the system we have now, there is no voice mail. You can leave a message but it won't stay there. The last company that is bidding on it is also giving a price to repair what we already have. He thinks it behooves us that everyone has there own voice mail, like other places just punch whoever you want to talk to and leave a message. We need to upgrade the phone system.

Glens Falls Animal Hospital contract-

Supervisor Thomas reported this is for the disposal of the dogs we seize; it's basically the same as we did last year. We are required by NYS Agriculture and Markets to hang on to the dogs for five days. Maxine, DCO seems to keep them at her house and has very good success in finding homes for them.

071-11. A resolution was made by Supervisor Thomas seconded by Councilman Gill to enter into the contract with Glens Falls Animal Hospital for Dog Control Purposes.
Roll call vote, all in favor.

Highway:

Attorney Cooper stated he had a request from the Highway Supt. to review the authority of the town board specifically to the truck we just sold. He did search the issue and Section 64 of the town law says "The town board has the authority to inquire and sell personal property and may take, purchase, lease, sell, dispose of personal property as the purposes of the town require except for otherwise provided by law." and Paragraph 3 of that section says "The town board should have the management, custody and control of all town lands buildings and property of the town". Under Section 29 powers of the duty's of the Supervisor in Paragraph 7 is "the supervisor shall lease, sell, and convey in the name of the town property owned by it whether in the manner authorized by the provisions of this chapter or any other general special law and shall execute and deliver in the name of the town grants of easements or other rights and lands for other property owned by the town whenever so directed by the town board. So to him that says the supervisor signs the title on the truck and that is his authority on his recommendation. Supt Bradley asked if that includes, who has control of the highway equipment and says where it goes and doesn't go. Attorney Cooper said that is your job as Highway Superintendent but the town owns the equipment. He just needs to know when we get the new truck who is going to be doing the title.

He will be relinquishing a lot of responsibility around here, he doesn't want anything to do with the tanks, registering the tanks, you tell him what to do he will do it, he isn't going to be involved with any fines, or any nonsense. You tell him what you want done and that's how he will do it. Supervisor Thomas stated he hasn't got the report back yet so until we do, he doesn't know what the violations are. He has an idea but he doesn't know.

Supt. Bradley stated we are going to clean up what we have and is still waiting for a plan. Supervisor Thomas has to show him what you want down there, he doesn't want any responsibility with the nonsense. He will do what the board tells him.

Supervisor Thomas stated ok we'd probably do what DEC tells them. A lot of the tanks are already registered, there is a couple that aren't. Cleaning out inside around the big tank and the labels are needed. Supt. Bradley stated cleaning would be done right off.

Supervisor Thomas stated there is a tank and thinks it has a drain line off it. Supt. Bradley stated he doesn't want any part of that. Supervisor Thomas stated he thinks we are looking at putting in an actual separation tank.

Supt. Bradley stated he thought Paul Cushing said we did that. Supervisor Thomas stated he knows he said it was ok with what we were putting in. Supt. Bradley stated he thought it was something to do with an oil separation tank but he never explained to him about pumping it or anything, but did remember him saying that it was going to be some sort of oil separation tank. Councilman Aldrich stated there isn't a blueprint of what was done down there.

Supervisor Thomas stated yes. He thinks it is a tank we had, he doesn't think it is an oil separation tank. If we put in an oil separation tank, he looked at them on line and you talking eight to ten thousand dollars. It is suppose to take care of it. He will give Supt. Bradley the plans and he can dig it up and see what it looks like. Supt. Bradley stated if you want him to tell him and he will dig it up. Supervisor Thomas stated that is what he would recommend. At least see what we got there. Supt. Bradley stated the next big thing should be where you want to put the tank.

Highway mail:

Supt. Bradley stated the mailbox is up in front of the highway garage and the mail for the highway will be delivered in the mailbox.

From the floor:

A motion was made by Councilman Aldrich seconded by Councilman Gill to adjourn the meeting at 8:03 PM. All in favor, motion carried.

Respectfully submitted,

Susan Harrington
Town Clerk