

June 21, 2011

The regular Town Board meeting of the Town of Stony Creek was held on June 21, 2011.

Supervisor Thomas called the meeting to order at 7:02 PM with members present:

Councilman Dale Aldrich

Councilman Stanley Ross

Councilman William Liebl

Councilman Harry Paul Gill

Absent Attorney James Cooper, (on vacation).

May 17, 2011 minutes:

A motion was made by Councilman Ross seconded by Councilman Gill to accept the May 17, 2011 minutes. All in favor, motion carried.

June 7th, 2011 special minutes:

A motion was made by Councilman Gill seconded by Councilman Liebl to accept the June 7th, 2011 minutes. All in favor, motion carried.

082-11. A resolution was made by Councilman Aldrich seconded by Councilman Liebl to pay the General Fund bills in the amount of \$10,755.19.

Discussion: Councilman Aldrich questioned the Town of Warrensburg bills: They picked up on May 26th 4-5 tons, June 6th 10½ tons, and again on June 8th 5½ ton. The only thing he can think of is it is so close together that we got Warrensburg's bill, there is no way we would have that much tonnage in two days. Supervisor Thomas agreed and will check to be sure that is legitimate.

Supt. Bradley stated that Tom Fisher writes all that down when they switch the containers.

Councilman Aldrich stated there was four trips Town of Warrensburg picks up and we never see that. Supervisor Thomas stated we usually get two a month between 4-6 tons. This will be checked out. Roll call vote, all in favor.

(ON JUNE 22ND, 2011 Supervisor Thomas checked the Town of Warrensburg bill and found that June 6th, 2011 10½ ton did belong to the Town of Warrensburg, this will be deducted from the General Fund bills.) Total General Fund abstract: \$10,605.19.

083-11. A resolution was made by Councilman Aldrich seconded by Councilman Gill to pay the Highway Fund bills in the amount of \$81,791.27.

Discussion:

Councilman Aldrich stated it should be noted that the good share of the highway abstract is the washout of roads and \$51,193.02 was stone from Peckham Industries.

Adirondack two-way radio \$1533.00 was for the radio in the new truck.

The Power Plan bill was \$500.00 for a cutting edge and service on the John Deere Loader.

Supervisor Thomas stated there was one for \$7468.14 for Diesel fuel, Warex Terminals Corp.

Roll call vote, all in favor.

Town Clerk report:	
Conservation license	\$ 2.70
Marriage License	17.50
Photocopies	<u>.25</u>
Total Town Clerk fees	20.45
Dog licensing	<u>165.00</u>
Total town revenues to Supervisor	185.45
NYS Ag & Markets	33.00
NYS Dept of Health	22.50
NYS Environmental Conservation	<u>46.30</u>
Total disbursed	<u>287.25</u>

Correspondence:

Dog control log for May 2011

Donna Black-permission to use the town hall July 17, 2011 from 12:00–5:00 PM for a Birthday Party.

Stony Creek Fire Co-use of the Town Park on July 24th with a rain date of July 31st, for a Kids Safety day, Car Show and Fire Truck Show, also being considered for \$3187.00 of Bed Tax for giveaways for the kids, Trophies for the cars and fire trucks, prizes and advertising.

A motion was made by Councilman Aldrich seconded by Councilman Ross authorizing Donna Black use of the town hall July 17th, 2011 for a Birthday Party. All in favor, motion carried.

A motion was made by Supervisor Thomas seconded by Councilman Gill authorizing the Stony Creek Fire Co. use of the town park on July 24th, 2011 with a rain date of July 31st, 2011 for a Kids Safety Day, Car Show and Fire Truck Show. All in favor, motion carried.

Old Business:

Landfill; Electronic waste:

Supervisor Thomas reported that at the Special Meeting June 7th Councilman Gill gave him a card for a company called RCR&R. They handle electronic waste. Supervisor Thomas called them up and they were immediately responsive and sent him paperwork for DEC and an agreement with the town. They will come and pick up our electronic waste for nothing they have a truck with a lift gate on the back and also a pallet lift jack, they also leave pallets and gaylord boxes to put the stuff into, they leave shrinkage wrap to wrap the bigger items like TV's on the pallet. Supervisor Thomas stated he went ahead and signed the agreement with them because there wasn't any money involved in it. They were here last Friday and took away two pallets of TV's and etc. and left more pallets. So we will be able to get rid of the electronic waste without any cost. He would ask the Board to ratify the agreement he signed for them.

Supervisor Thomas gave the agreement to the Town Board to look over. Supervisor Thomas stated they were very responsive where Waste Management, he talked to that guy three times over the last three months and the last time he was going to get back to him and he still hasn't heard anything. That was a month and half ago. When Councilman Gill told him about this guy, the guy responded quickly.

Brush:

Supervisor Thomas stated that DEC has lifted the ban on municipalities burning brush at the landfill or transfer centers until June 30, 2012. He asked the board what they wanted to do, and that we could get rid of what we have down there now.

John Thomas stated it would be safer to burn down there in one spot.

Supervisor Thomas stated that is the question for us is if we want to start taking it again and next June stop, make other plans. Brush accepted would be less than 6 inches diameter and 8 feet in length. Councilman Aldrich stated we should consider John's Campground.

John Thomas stated if there was no burning on weekends it would be fine.

084-11. A resolution was made by Councilman Aldrich seconded by Councilman Gill to start accepting brush at the landfill/recycling center on June 22nd, 2011, brush would be less than 6 inches in diameter and 8 feet in length and to apply to DEC for a burning permit with burning the brush to be done during the week. Roll call vote, all in favor.

Electronic Waste.

The town board had the opportunity to look the agreement.

085-11. A resolution was made by Councilman Ross seconded by Councilman Liebl to ratify Supervisor Thomas's signing of the Electronic Waste Agreement between RCR&R and the Town of Stony Creek. The agreement will not involve any monetary. Roll call vote, all in favor.

Dog Control:

Maxine Zwartkay and her daughter Trista were present to discuss the way enumeration is being conducted and the fee for enumeration.

Trista stated she owns a dog and the dog control is doing the census correct? Supervisor Thomas stated yes. Trista stated there is a fee she heard for not having your dog registered correct?

Supervisor Thomas stated license, correct. Trista stated some people don't know of this requirement from NYS to have your dog registered. People who don't get the paper or live on dirt roads and don't get the mail, they were unaware of this or the fact that the dog needs to be licensed by the town. Personally she thinks that there should have been a flyer or something mailed out stating that this is going to happen. So people would have a chance to get their dog registered in town. Supervisor Thomas stated his response to this is we spent four months putting together a local law pertaining to dogs at the end of last year at several town board meetings. We had a public hearing about the local law the town clerk has put ads in the Pennysaver, Post Star, and Adirondack Journal. The fact of the matter is there is a State law that says you need to license your dog after 4 months. We could send out a flyer.

Mrs. Zwartkay stated is it four months old or if you had the dog for four months? Supervisor Thomas stated 4 months old. Supervisor Thomas stated he would say if anyone is paying any attention to what the town board is doing they should have known about it. Trista stated there are only four of us here most of us don't come. She didn't even know there was a town board meeting. Councilman Ross stated the law to license your dog has been for years. That has been a State Law for a long, long time. Mrs. Zwartkay has been here twenty years and this is the first time it has been enforced. Councilman Aldrich stated this is the first time the state has relinquished their rights and turned it over to the town. It has always been a State Law but now they don't want to do it and they pushed it off on the town.

Mrs. Zwartkay stated the point is herself doing this job she is going to these people and they are telling her they didn't know or they didn't see it in the paper or they don't get the paper. They feel like they are getting caught off guard with it. If they were given advance notice plenty of advanced notice to get it done before the \$5.00 fee went into effect. People would be better about it. A lot of people are upset about it. Councilman Aldrich stated when you go to their house, that's what your saying? Mrs. Zwartkay stated yes, when she goes to their house, she tells them what she is doing, she is doing the dog enumeration and asking them if their dogs are licensed in town and if they have their rabies vaccinated. Most of them have their dogs vaccinated. Very few people have the dog licensed in the town. Supervisor Thomas gave her 50 sheets with the application for the licensing and she has gone through all 50 of those sheets in less then two days because people just don't have it, it's not done. A lot of people are telling her they didn't know it was a requirement, they didn't know it was a law. Several people told her they weren't going to do it, several people told her to get off their property, some told her not to come back unless she has a warrant. Then there were some people who say they saw it in the paper. She had one person she talked to that said they saw it in the paper and they were going to take care of it. Supervisor Thomas stated he would have to say that anyone who has a dog and grew up, most people realize they have to get a license for their dog. He just can't believe people don't know that.

Mrs. Zwartkay stated she can guarantee that every door she goes to, most of them tell her that they didn't know it was a law.

Councilman Aldrich stated but you are telling them that it is a law.

Mrs. Zwartkay stated yeah. Councilman Aldrich stated you're the constable of this deal so it's not, it should be made easier. If there was a newsletter or something sent out it would make your job a lot easier so people wouldn't be so belligerent at times.

Mrs. Zwartkay stated yes and upset. They had a couple people tell her that it was a waste of money and they are not going to do it. Councilman Aldrich stated you then wouldn't have recourse. Supervisor Thomas stated she would serve a summons on them to appear before Judge Law and the judge would take care of it. That's how it works.

Mrs. Zwartkay stated the other thing is some people are complaining the paper says you have 20 days. She has had a couple people come to her door and say they can't do this in 20 days. They have four dogs and they can't do that in 20 days. They get paid once a month or whatever, limited income. She tells them if they can't do it until July 15th then she can work with them on that. She is willing to do that. Supervisor Thomas stated that is precisely what he told her to do.

Mrs. Zwartkay stated right but she guesses the way it's written that if it's not done in twenty days you going to get a summons. Supervisor Thomas stated that would probably for the people who are telling you to get a warrant to come back to their property and they have a dog. That would be how he would approach it.

Mrs. Zwartkay stated she just feels that if people had prior warning that is was going to be done it wouldn't be such a hardship on people. Especially the way the economy the way it is. So many people are out of work and going up to them, going on their property, and saying this is how it's done, we are going to proceed with this law and we are asking for not just the fee for the cost of the dog but also asking for another fee on top of that.

Supervisor Thomas stated we are enforcing this law because now the expense is on the taxpayers of the Town of Stony Creek and he doesn't feel that it's proper for people who don't have dogs would have to subsidize people that do have dogs.

Mrs. Zwartkay stated she can understand that. She is just saying that from the beginning, she said to Supervisor Thomas that she felt that there should have been better far warning for people then there is especially giving the public there situation. She came to him when this first started that she was running in opposition with it.

Tristia stated don't you think it would have saved the town money by the fact that if it was sent out and people got it they would have come down and registered there dog, we would have gotten a list of people and you wouldn't have to pay the .50¢ a mile to drive all the way around town to check on people that have dogs, give them the slip. Supervisor Thomas stated the ads in the paper weren't exactly free. Trista stated she realized this.

Councilman Liebl stated the other night when they came to Boyd's house he happened to be there and should have told her that Boyd can't read or write so he didn't see no ad or nothing in the paper and with everything going on, being in and out of the hospital she tried to explain to Boyd. She did do a good job of explaining to Boyd and he knows he has to get a dog license but he said to Mrs. Zwartkay where is he going to get the money from. Is he the one that if you don't have the money you have to get rid of the dog, it's not fair to Boyd, that's the only companion he has. That's a hardship like she is saying, that's a hardship on Boyd but he is one individual. Supervisor Thomas stated we could have sent out a flyer. Councilman Liebl stated he thinks her suggestion of putting out, sending out a newsletter if we could send out a newsletter.

Mrs. Zwartkay asked how much it would cost to send out a post card. Supervisor Thomas stated 22¢ apiece. She showed Supervisor Thomas what she made up and that was a full page, if it was condensed to a post card how expensive would that be to send it to the people in town.

Councilman Aldrich asked if that would make everything a lot easier? Mrs. Zwartkay and Trista stated it would. Mrs. Zwartkay stated it would make it a lot easier. Councilman Aldrich stated and put dates on it as when this is suppose to happen like right now. Mrs. Zwartkay stated it would make things easier, but personally she thinks it should have been done prior to there being the \$5.00 fee. Give everybody a chance, a week or a month whatever gives everybody a chance to do it. That's what most people are upset about this extra \$5.00 fee that is coming along with this along with having to do this. If people feel they were giving prior notice instead of, you need to have this done by X. and if you don't get it done by X then there is going to be an extra \$5.00 fee. That's how she feels it should have been handled. Not bam bam thank you man now you have to pay an extra fee. To her it just doesn't make sense for the people in town. They don't feel like they were given enough notice to do this.

The \$5.00 fee is part of the local law that we took three-four months putting together and had a public hearing on it. He doesn't understand, he guesses we'll have to send flyers out every time we do something. Supt. Bradley stated it's no different then when we do our budget every year nobody comes to that and that is your taxes going up every year. This is what you see at the budget hearing (three or four people), that is your taxes going up, no one comes and no one says a word. You can't send a notice out every time you do something.

Mrs. Zwartkay stated that's what most people are upset about. John Thomas stated if they can't pay the \$5.00 fee then they won't be able to afford to vaccinate their dogs and getting them fixed. Mrs. Zwartkay stated no what they are saying is if it's a requirement that they have to pay for a dog license, \$6.00 if it's a fixed animal or \$15.00 if it's not, ok they will do that but because they feel like they are being pinched saying you have 20 days to do this and you still have to pay the \$5.00 fee because you didn't do it prior to the enumeration that's what people are upset about.

They feel that if they were given enough notice in the X amount of time prior to the enumeration to get their dogs licensed and not have to pay the \$5.00 fee. Then it would be fine. That's what people are upset about.

Supt. Bradley stated we have board meetings every month and nobody comes and when you make a decision and then somebody has a fit about it. They are posted in the paper.

Mrs. Zwartkay stated she explains this to people, if you have a question you have to go to her, Supervisor Thomas or whoever. Supervisor Thomas asked what the town board would like to do, do you want to send out a flyer. It is a little late at this date. Councilman Liebl stated it would be a good idea. Mrs. Zwartkay asked another thing, how often is this going to be done? Supervisor Thomas we haven't answered that question but probably every couple years.

Mrs. Zwartkay stated another question that has come to her is how often is she going to go door to door. Supervisor Thomas stated how long do you have to follow a law. Mrs. Zwartkay stated a lot of it is her questions so she knows how much time she has to set aside for this because she works also. Supervisor Thomas stated his opinion would be every couple years. He doesn't think we will be doing this every year. Mrs. Zwartkay stated she would think that once this is done, the thing is completely done and everybody's dog is licensed it will be a little easier to keep track of.

The list that she has and the list the Town Clerk has we will know whose dogs are due and whose dogs aren't and it will be easier. Say if the dogs license expire on June 30th and if you don't get it done by August 1st then go visit those people and let them know they are overdue and do it like that. It would be a lot easier.

Supervisor Thomas stated the Town Clerk sends out notices that the license will expire, he doesn't know about reminders. The Town Clerk stated she sends out renewal and if there is no respond then a second notice is sent and if they don't renew it then the Dog Control should check to see if they still have the dog or if its deceased or lost. Supervisor Thomas stated we aren't the first town to do this.

Mrs. Zwartkay stated no and that is the other thing, Stony Creek actually doesn't do a lot, take Hadley for instants and Lake Luzerne their dog warden changes \$25.00 for every dog they pick up. Up until recently we didn't charge anything for it. If she keeps the dog for two or three days now after talking to the woman from Agriculture and Markets, there is a \$10.00 a day and doesn't know if he wants to continue with the \$10.00 a day or not, Supervisor Thomas stated yes it's \$10.00 a day and then \$3.00 for each 24 hour period the first time, \$20.00 for the first 24 hours the second time plus \$3.00 for each additional day and third time you pick the day up it's \$30.00 and \$3.00 each day. It's right in the law.

Mrs. Zwartkay stated is that something you want to now do. Supervisor Thomas stated it is part of the law. Mrs. Zwartkay stated because we weren't that's why she is asking.

Councilman Aldrich stated what can we do to help out with this problem right now. What would be an answer to this situation?

Mrs. Zwartkay stated as of right now she has done all of States Road, all the side roads, all the right side of Harrisburg Road and half of the left side of Harrisburg Road. She doesn't know where you want to go from there. Those are all the doors that she actually covered, physiscal gone to every door. It's up to you, what we want to do from here.

Councilman Ross stated so doing a post card would make her job a little easier?

Mrs. Zwartkay stated it would be easier on the people letting them know what's coming. Councilman Gill stated if they don't get their mail here or get the newspaper they are not going to get it. Mrs. Zwartkay stated if you put it in the paper they aren't going to get it, no. Councilman Gill stated if they don't pick up their mail. Mrs. Zwartkay stated there is only two people that actually said that to her, they don't get their mail at their house, but imagine they get their mail somewhere, which hopefully is at the post office. Supervisor Thomas stated we would send out post card's then or a letter. We will need to know where you have been and need to know who got a license.

Committee Report:

Parks and Recreation:

Councilman Ross stated they are working on the backstops, are they going to tear that down and put new poles in. Supervisor Thomas stated yes, we are going to take them down and would like to get some metal poles. That is the intent.

Supervisor Thomas stated there was an insurance adjuster that did come to the field and measured up a lot of stuff and submitted it to the insurance company, however we do not have flood insurance.

FEMA information; there was an article in the paper, they were here last Friday and they toured Thurman and believed they came through Stony Creek they were with Amy Manney who is the Deputy Director of Emergency Services. He believes they went to Warrensburg and Bolton. The goal is to get them to extend the date from May 7th or 8th to Memorial Day so the damages from the 28th of May can be included from the Declaration that was already made because there is not enough damage to take the threshold to have a second Declaration made for the 28th of May. He doesn't know the out come of it but they are hopeful but not positive about it.

Francis Dean Farm-Historical Association:

Trails:

Supervisor Thomas reported the APA application for the trail project was submitted, he received a notice that they received it. Councilman Ross received a notification in the mail being a landowner next to the property.

New Business:

Property Tax refund:

Supervisor Thomas stated he has been on the board for 18 years and doesn't recollect ever having this come before the board. It is for tax parcel 258.1-54 James F. Bulman and Michael P. Bulman. The assessed value on their bill was \$800.00 and it should have been \$260.00. So if you take the town tax rate times \$800.00 they were billed \$346.88. Fire Protection they were billed \$52.66 and should have been \$112.74 and \$17.12 so he is due \$269.68. This is due to a clerical error. The building burnt prior to 2010, which is the taxable status date so the 2010 final roll for the assessment did not reflect that the building burnt. They were assessed at \$800.00 and it should have been assessed at \$260.00.

Councilman Aldrich asked where this was located. Supervisor Thomas stated Lens Lake Road. Councilman Aldrich stated this is the figure we have to refund. Supervisor Thomas stated the reason we have to refund this. This was done on May 13th and Warren County paid the Town of Stony Creek at the end of April 30th, they paid the balance of what was due us on the property tax. The County will refund their portion of it and it is up to the town to refund the balance portion. Councilman Ross asked if this was common practice. Supervisor Thomas stated it is at the County usually it is caught long before it gets here.

086-11. A resolution was made by Councilman Aldrich seconded by Councilman Gill authorizing Supervisor Thomas to make restitution to James and Michael Bulman in the amount of \$269.68 for the overpayment of their Real Property Tax on parcel 258.-1-54 on Lens Lake Road. Roll call vote, all in favor.

Bed tax request:

Stony Creek Fire Co. request of \$3187.00 for a Kids Safety Day on July 24th, 2011 with a rain date on July 30th, 2011.

087-11. A resolution was made by Councilman Aldrich seconded by Councilman Gill authorizing the expenditure of bed tax monies in the amount of \$3187.00 to the Stony Creek Fire Co. for the Kids Safety Day on July 24th, 2011 with a rain date of July 30th, 2011, funds to be used for giveaways for the kids, trophies for the cars and fire trucks, prizes and advertising. Councilman Aldrich-Yes, Councilman Ross-Abstained, Councilman Liebl-Yes, Councilman Gill-Yes, Supervisor Thomas-Yes.

Stony Creek Chamber of Commerce request of \$9750.00 in support of the annual Stony Creek Mountain Festival. A copy of their proposed budget was submitted to the Town Board.

088-11. A resolution was made by Councilman Aldrich seconded by Councilman Gill authorizing the expenditure of bed tax monies in the amount of \$9750.00 to the Stony Creek Chamber of Commerce to be used for the Stony Creek Mountain Festival on August 5-6-7, 2011. Roll call vote, all in favor.

Double H Ranch:

Supervisor Thomas stated the Double H Ranch would like to hold a Camp Challenge Ride again this year. It is a fund-raiser for the programs that support the children and families that stay there.

089-11. A resolution was made by Councilman Aldrich seconded by Councilman Gill Authorizing the Double H Ranch to host a cycling event that will pass through roads in the Town of Stony Creek September 10, 2011. Roll call vote, all in favor.

Budget transfers:

090-11. A resolution was made by Councilman Ross seconded by Councilman Liebl authorizing the following budget transfer:

Debit A1990 Contingent in the amount of \$2350.00

Credit A1620.4 Buildings in the amount of \$2000.00

Credit A1910.1 Unallocated Insurance in the amount of \$350.00.

Roll call vote, all in favor.

091-11. A resolution was made by Councilman Liebl seconded by Councilman Gill authorizing the following budget transfer:

Debit DA2665 Sale of Equipment in the amount of \$6000.00

Credit DA5130.4 Machinery Contractual in the amount of \$6000.00.

Roll call vote, all in favor.

From the floor:

A motion was made by Councilman Ross seconded by Councilman Gill to adjourn the meeting at 8:09 PM all in favor, motion carried.

Respectfully submitted,

Susan Harrington
Town Clerk