

April 20, 2016

The regular Town Board meeting of the Town of Stony Creek was held on April 20, 2016. The meeting was called to order at 7:01 PM by Supervisor Frank Thomas with members present:
Councilman Nathan Thomas
Councilwoman Doreen Ryan
Councilman John Thomas
Councilman Carl Thomas
Attorney James Cooper

March 15, 2016 minutes; Corrections:

Page 132 Supervisor Thomas stated the town, you can buy the toilet then you can buy the building around it. Insert or construct our own.

Page 134 Four-year term, take out Supervisor.

A motion was made by Councilwoman Ryan seconded by Councilman Nathan Thomas to accept the March 15, 2016 minutes with these corrections. All in favor, motion carried.

April 20, 2016 minutes; corrections:

Page 145 Fire co: Penflex: insert actuarial calculations 2014 and said we should get the money into them. Change them to Glens Falls National as soon as possible.

He said it doesn't work that way because it an actuarial calculation.

He said if you were to contribute \$5000.00 more this year it would only lower next year by \$500.00.

If you add it its \$29,755.00 for 2016 and 2017 contributions.

Page 146 Resolution 065-16 change Penflex to Glens Falls National Bank.

A motion was made Councilman Carl Thomas seconded by Councilwoman Ryan to accept the April 20, 2016 minutes with these corrections. All in favor, motion carried.

066-16. A resolution was made by Councilman Nathan Thomas seconded by Councilwoman Ryan to pay the General Fund bills in the amount of \$34,660.27.

Discussion: Supervisor Thomas reported that Rose and Kiernan Casualty and Property insurance renewal was \$24,790.75. Roll call vote, all in favor.

067-16. A resolution was made by Councilwoman Ryan seconded by Councilman John Thomas to pay the Highway Fund bills in the amount of \$17,187.37. Roll call vote, all in favor.

068-16. A resolution was made by Councilman Carl Thomas seconded by Supervisor Thomas to pay the Fire Fund bills in the amount of \$2,116.09. Roll call vote, all in favor.

Town Clerk report:

Conservation licenses	\$ 8.84
Faxes	<u>\$ 6.00</u>
Total Town Clerk fees	\$ 14.84
Dog licenses	<u>\$ 17.00</u>
Total Town Revenues to Supervisor	\$ 31.84
NYS Ag and Markets	\$ 3.00
NYS Dept. of EnCon	<u>\$151.16</u>
Total disbursed	\$186.00

Correspondence:

Dog Control Log-March 2016

John Yard- permission to use the Town Park Pavilion Sept. 10, 2016 for a wedding.

Stony Creek Library-permission to use the Town Park Pavilion Sept. 17th with a rain date of Sept 18th for a wood turning workshop.

A motion was made by Councilman Carl Thomas seconded by Councilwoman Ryan authorizing the following: John Yard permission to use the Town Park Pavilion Sept. 10, 2016 for a wedding and the Stony Creek Library permission to use the Town Park Pavilion Sept. 17th with a rain date of Sept 18th for a wood turning workshop. All in favor, motion carried.

Beecher Baker, Superintendent and Stephanie Steinhart, Business Administrator were present to explain the Hadley Luzerne Central School 2016-2017 Budget.

Old Business:

Four-year terms for Highway Supt. and Town Clerk:

Attorney Cooper stated the Board asked him to outline the procedure for changing the terms of Office for Town Officers and the procedures are indicated on the bottom of the paper he gave to the Town Board. This was a draft and it will be the Highway Superintendent and Town Clerk. The Town Board has the option to do it with the Supervisors Office too, if you feel that's wise. People may say that seeing he is the first among equals it may not be democratic to extend the term of office and deny the people the chance to vote for that office every two years. But that's your business and not his. You have to tell him and should get going on this by next month so tell him tonight, what they want him to do in that regard. Supervisor Thomas feels he doesn't need to be four years but it's up to the Board more than it is him.

Attorney Cooper stated one thing he wants you to bear in mind is when you change the term of office it's a Mandatory Referendum, this has to go on the ballot for November and to get on the ballot for November you have to finish your work, hold the Public Hearing and vote on the Statues and get it in the Board of Elections more than 150 days before the election.

In a formal sense before the Board can hold the hearing the following month to proceed or follow the board meeting the Board has to vote on the Local Law and then they have to contact the Board of Elections to put them on the ballot, you have to comply with the time frame.

The Town Clerk pointed out, and he forgotten that, we went through the procedure in 1999 with regard to the Highway Supt., Supervisor and Town Clerk and she said the community voted them down. He like the work he did in 1999 so he would probably try to incorporate some of the language into this for next month, but perhaps it would be wise to have some kind of discussion tonight whether you want to include the Supervisor in this process or not. Councilman Carl Thomas stated he knows last Fall when we were talking about it Supervisor Thomas was comfortable with the two year and Supt. Bradley is the one that wanted the four-year and the Town Clerk said it would be nice for her. It's kind of immaterial to him. Councilman Nathan Thomas stated maybe proceed with the two offices and leave the Supervisor alone at this time. Attorney Cooper stated ok, if that is the consensus he will revise the work product on the top half of the page and bring it back to the Board next month and the Board can propose a Local Law and he thinks it should be done separately. Two Local laws so you don't get into a situation where you pass a law and the Department of State says no you combined two concepts in one statue and you should have broken it up. Better to be safe than sorry, let's do two separate ones. Councilman Carl Thomas stated it would be better for the public to vote for each one. Attorney Cooper stated he thought so. Its seems every two years we see a forest of lawn signs for Highway Superintendent, maybe people are tired of that. He's sure Neil is tired of it. Supervisor Thomas asked if there is a waiting period after the Board introduces the Local Law before the Public Hearing. Attorney Cooper stated you can't do it less than five days of the Public Hearing. So if you schedule it at next month's meeting you will be ok. Supervisor Thomas asked if we knew how long for the Board of Elections. Attorney Cooper stated no, someone will have to contact them and ask how much time you need to put it on the ballot. He thinks if we act on this in May it will be a real problem if they can't get it done by November. It would be June if you count the public hearing.

Committee reports:

Highway; Salt Shed:

Councilman John Thomas reported he met with Supt. Bradley and discussed vehicles and the salt shed. We have to do something with that pretty soon. He thinks concrete is the best way to go. It looks like it could be cut off and held up while the cement was poured and put it back down on it. We will need to get prices and do something because he thinks it is about ready to fall in. Supervisor Thomas agreed and said it was in rough shape last Fall and asked if it is anything we can do ourselves. Supt. Bradley stated yes, they could probably do that. Supervisor Thomas stated the problem with doing it outside is you have to pay the prevailing wage. Councilman John Thomas stated you will have to use forms and pour concrete, that's what he is looking at. That's they only way you're going to be able to hold it and seal it, otherwise the salt will eat it right up. Supervisor Thomas stated it defiantly needs to be fixed. Councilman John Thomas stated yes you're going to need to do something with it soon. Supt. Bradley stated the other thing is, right now we aren't involved with DEC, but you know how it is with the berm they want you to have out front and everything sloped in.

Equipment; Trucks:

Supt. Bradley stated we should start planning on when to rotate stuff out. The frame on the 1990 is getting rough and the yellow truck is getting in bad shape. They are taking everything apart sandblasting it and putting it back together. It's going to need attention at some point. He is trying to get a plan on where they are going to start rotating stuff out. The pickup should be rotated out at some point and a tandem at some point in the near future. Supervisor Thomas asked if he thought about not getting a tandem and getting a single axle. Supt. Bradley stated no. Supervisor Thomas stated you don't think that's feasible? Supt. Bradley stated no, only because any single axle and you do like hauling sand, you're making extra trips and it would be the same for blacktop. In a snowstorm on the mountain you would go up to the middle of the mountain go back and load up and go back up the mountain again. Supervisor Thomas asked if it would be easier to plow the smaller roads. Supt. Bradley stated if we had an extra truck like a four-wheel drive one-ton or something to that effect it would be a lot nicer like a 750. It would have to be fairly small so you can turn it around and stuff. We have four trucks and four main roads and two pickups, which pick up the dirt roads. So if you cut down and had three tandems and one single axle you're knocking everything right back down. The feasible thing to do is update the pickup and go that route and have one truck dedicated to the side roads. It's tough to go all the way into Harrisburg and go to the dump and try to jockey stuff around like that. He thinks a single axle would be a nightmare in loading and hauling stuff. You're doing twice as much work and a little more fuel, with a tandem your hauling more. Supervisor Thomas stated we're still paying on the loader and thinks there is a couple years left.

Supt. Bradley stated if you spec it out at the end of 2017 to have it by 2018. They are having an issue with the frames and they rinse them and don't know how other towns aren't having an issue. Supervisor Thomas stated you have to keep buying them,

Supt. Bradley stated the last truck cost \$200,000.00 so you're looking at \$200,000.00 each year just like the pickup he's driving was \$27,000.00 and its \$33,000.00 now. It went up \$5000.00 in 10 years. They can probably get by with what they have until the loader is paid off. Then you have to figure out if you want to keep running the loader we have now and try to run it as long as you can until something breaks, then rotate it out if something goes wrong with the loader.

Being so new with the electronics there's nothing we can do with that. It has to be farmed out and every time you farm it out its \$700 to \$2000.00. Just to change a hydraulic fan on the back it has to be run through the computer and they came up here to repair it. So you have to pay for travel time and it cost \$700.00 to repair a hydraulic band for the motor. The cutting edges cost \$1500.00 and tires are \$3000.00 apiece. If we had the money to buy new every year once you had your initial cost it would be alright. Now they are changing the emissions and stuff. It's hard to run it as far as you can because you won't get anything for it.

Right now no one wants that loader because it has DEF, which is the additive you put in the fuel to burn cleaner and has to reject so it has to idle high all the time and it's running into problems. On the new ones they did away with that. So if you wanted to sell the loader, nobody would want it unless they got it really cheap.

They have something better out with lower interest rates, so why would they go to the bank and buy our loader that's three years old when they can buy something new, better and powerful. He doesn't want to fall way behind as in the trucks.

Councilman Carl Thomas stated he talked with Supt. Bradley and discussed some of this stuff and from their discussion where we stand on the loader and will pay that off in a couple of years and thinks they should start working on a tandem this year. Space the payments out and then Supt. Bradley was talking about a new pickup too and when we get to that he thinks it should be single-wheeled and diesel would be better than gas. That's what they discussed and it made sense to him. Supt. Bradley stated with diesel, you will get more and less maintenance and has a higher resale value. The county rotates the foreman trucks out every five years and keeps them in service for ten years and about every other town is ten years in pickups. They did a ton of work on the grader. They pushed the front end and blade. It has 10,000 hours on it, its fine and it's a 1988. The chipper and mower are good, the broom is a wreck but they are dealing with it. Everything is good, they are keeping up on everything. Supt. Bradley is just letting the Board know and talk it over. He thinks there should be some sort of plan. He knows money is different now. Supervisor Thomas stated it's making the payment. Supt. Bradley agreed. Supervisor Thomas stated getting the money in the budget to make the payment. The pickup isn't a big deal. Supt. Bradley stated the loader we have had three or four years now he thinks. It was planned that when the loader was paid off and you wanted to spec it out and have the money available. It takes six-months to build a truck. You don't just go buy a truck. There is a whole process. A pickup is 60-90 days. Supervisor Thomas asked if the tandem would be under State Contract. Supt. Bradley stated yes or county, whatever is cheapest.

Supervisor Thomas stated we can see about the money, maybe pay the loader off in the beginning of 2017 and have the capital payment in 2018.

Supt. Bradley will check into the early payoff to see if there is a penalty but doesn't believe so. Councilwoman Ryan stated she doesn't think there was a penalty.

Occupancy Bed Tax:

Supervisor Thomas reported He received the additional \$15,000.00 for the Occupancy Tax and will received the other \$30,000.00 in October.

CHIPS:

Supervisor Thomas stated the NYS Budget, there was an extra million dollars put in the budget. It's supposed to be four years toward the CHIPS Program. That means as additional \$21,836.00 to Stony Creek which will bring it to a total of \$117,501.00. He isn't sure if these numbers are set yet but it will be in that area. He can't believe they will take it away now.

That will push Supt. Bradley's Highway budget DA5112 up to \$162,000.00 almost. Its \$376,000.00 to Warren County and it is supposed to be for four years. Supt. Bradley stated that Warren County will be paving about 3 miles. One mile on Harrisburg, one mile on Murray and one mile toward town and they are grinding it up.

Landfill: Solar Panels

Supervisor Thomas reported that DEC held a webinar on March 10, 2016 on solar panels at the landfill. This information is also on the DEC website. Everything is needed on top of the ground, the panels are attached to big concrete blocks and the conduit is run on top of the ground. They aren't opposed to it. They lease the land and you can get your electric cut down. Supervisor Thomas thinks it is worth looking into it, if they just lease the land.

There are concerns about the 20-25 year contract, the risk to the municipality and not the company. These are things he heard, he can't verify them. Supervisor Thomas stated they suggest you get the lawyer to look it over to make sure it's not an open-end lease. Supervisor Thomas stated it may be something we want to pursue if we can generate \$10,000.00 a year in revenue for the town. Councilman John Thomas stated the company that contacted him said \$1500.00 per acre every year. They like to do the larger projects they have all there equipment in and they get a better break from what they're doing with the government if they produce over a certain amount. Supervisor Thomas stated that way we aren't tied into a power contract, it's a straight lease. Councilman John Thomas stated they are looking for a 15-year lease, renewable after that. Supervisor Thomas stated the webinar is on DEC's website.

www.dec.ny.gov/docs/administration_pdf/pvlandfillcsc.pdf

New Business:

Double H Ranch:

069-16. A resolution was made by Supervisor Thomas seconded by Councilwoman Ryan Authorizing the Double H Ranch to host their 7th Annual Cycling Event that will pass through roads in the Town of Stony Creek Saturday September 10, 2016. Roll call vote, all in favor.

Roaring Branch Road clarification:

070-16. A resolution was made by Supervisor Thomas seconded by Councilman Nathan Thomas

WHEREAS, the Residents of Stony Creek are using the designation Roaring Branch Road for the road along the Roaring Branch Creek from the four-corners of Stony Creek Hamlet to the Lens Lake-States Road intersection and,

WHEREAS, the Warren County Board of Elections uses and recognizes the Roaring Branch Road as the legal residence for voters in Stony Creek along this road and,

WHEREAS, in 1961 the Town Board of Stony Creek designated this road Roaring Branch Road for a portion of its length and,

WHEREAS, the USGS Map designates the creek that runs along this road as Roaring Branch and,

WHEREAS, potential confusion exists between a designation of Branch Road and Roaring Branch Road in any 911 dispatch and,

WHEREAS, the 911 system uses Roaring Branch Road and not Branch Road at present,

NOW, THEREFORE BE IT SOLVED, that the highway starting at the four-corners (the intersection of Hadley Road, Warrensburg Road, Harrisburg Road and the road the subject of this resolution), and going in a westerly direction along the Roaring Branch Creek to the intersection of Lens Lake Road and States Road (that is the road going from Tax Lot # 246.19-1-49.2 to Tax Lot # 258.-1-8) shall be designated Roaring Branch Road and,
BE IT FUTHER RESOLVED, that NYS Dept. of Transportation shall be notified of this resolution and,
BE IT FUTHER RESOLVED, that the Warren County Real Property Tax Services Office shall be notified of this resolution and,
BE IT FUTHER RESOLVED that this resolution shall become effective April 21, 2016.
Roll call vote, all in favor.

Occupancy Bed Tax; Southern Adirondack Magazine:

071-16. A resolution was made by Councilman Carl Thomas seconded by Councilwoman Ryan To purchase a full page ad in the Southern Adirondack Magazine in the amount of \$945.00, with 50% (\$472.50) being reimbursed by the First Wilderness Heritage Corridor. Roll call vote, all in favor.

072-16. A resolution was made by Councilman Nathan Thomas seconded by Councilman Carl Thomas authorizing the following budget transfer:

Debit A2705 Misc. Revenue in the amount of \$250.52

Credit A6310.4 Community Action in the amount of \$250.52.

Roll call vote, all in favor.

073-16. A resolution was made by Councilwoman Ryan seconded by Councilman John Thomas authorizing the following budget transfer:

Debit A1990.4 Contingent in the amount of \$1275.00

Credit A7989.4 Other Culture (Library Gant) in the amount of \$1275.00

Roll call vote, all in favor.

From the floor:

Carol LaGrasse asked about the solar panel idea, she is curious if the company's bond the insulation so for instance if the company goes out of business there's money behind maintaining it or removing it. Supervisor Thomas stated he wasn't sure about that. They haven't gotten into that much detail. Councilwoman Ryan stated a lot of the companies lease the whole system and like 10-12-15 years the lease is to buy. Mrs. LaGrasse stated she knows how it works but didn't know if it was bonded so the landowners are protected if the company goes bankrupt. A lot of the companies are at the edge so it's relevant to concern yourselves. Attorney Cooper stated he doesn't know if it's true or not.

One gentleman he overheard say he was touring a wind farm out west and there were some windmills standing in the wind, they weren't moving he asked questions and it turned out they were no longer functional and it was cheaper for the company to walk away then to repair them. So she makes a good point. You should have something in your lease that provides for a mechanism to remove the things. If they become obsolete and they don't walk away from it and leave the town with a mess.

Peter LaGrasse commented on the April 12, 2016 minutes page 125 regarding the extent of Harrisburg Road. He has been trying to get the tax mapper at the county to show that road on the tax map, past Sweets Property in Harrisburg Lake, and he is reluctant to do it for one reason or another. One reason is he can't see it in a photograph and wouldn't know how to draw it in. It is there a little bit. It's there enough so he could really see it. The second, he started measuring the distance and said the road doesn't go to Moosewood Lodge and he added up all the mileage on the State inventory and it's short from Moosewood Lodge. It goes to not where you cross the creek, but there is a little brook before that and he said that's where he thinks it goes.

But obviously it goes slightly past Moosewood Lodge. The old tax map shows it that way so this resolution seems to clarify that saying, that it goes 150 to 300 feet past Moosewood to the first culvert, and he believes that's the house, building. It goes past there to the first culvert where our old maps have shown. So he is glad to see that in the minutes and will bring it to their attention. Supt Bradley stated that the county came out and measured the roads and we were right on with pretty much what we had and will forward it to the State.

Mr. LaGrasse stated maybe the tax mapper doesn't know where the town portion of Harrisburg Road starts, maybe he is in the wrong position.

Supervisor Thomas stated years ago, a few years after Supt. Bradley was in office he went around and measured all the roads and the Board adopted it. Supt. Bradley stated we are allowed 15% plus or minus, so we wouldn't be in trouble.

Mr. LaGrasse stated you recall last year he gained a little bit of assessment on State Land because of that road as proximately to Wilcox Lake and maybe that's the reason why DEC is looking into it to make sure it's a road.

Supervisor Thomas stated DEC is updating their Unit Management Plan for Wilcox, their trying to finish it and thinks that's what it's for.

Memorial Day Parade:

Supervisor Thomas reported that the Memorial Day Parade will be on Monday May 30th, 2016 at 3:00 PM.

Attorney Cooper reported that he will be retiring on June 30th, 2016. The Town Board will need to get another Attorney for the Town and also stated that it has been a privilege to have been appointed to work for the town for all these years. Supervisor Thomas stated he is sorry to hear this. Attorney Cooper stated he will be 70 years old in June and also worked on the railroad and as they say on the railroad it's time to pull the pin.

Supervisor Thomas thanked him for his time being the Attorney for the Town. Attorney Cooper stated it makes him sad but at the same time he is looking forward to it.

Attorney Cooper stated he would like to stay involved with the community and follow up on his suggestion on forming a Friends of the Dean Farm Committee to help remove weeds and minor things like that at the Dean Farm Trails. He comes over for breakfast and likes to watch the lumberjack so we will be seeing him around.

A motion was made by Councilman John Thomas seconded by Councilwoman Ryan to adjourn the meeting at 8:14 PM. All in favor, motion carried.

Respectfully submitted,

Susan Harrington, RMC
Town Clerk