

May 15, 2012 Regular Town Board meeting

The regular Town Board meeting of the Town of Stony Creek was held on May 15, 2012. Supervisor Thomas called the meeting to order at 7:02 PM.

Members present:

Councilman Harry Paul Gill

Councilman Nathan Thomas

Councilwoman Doreen Ryan

Attorney James Cooper

Absent: Councilman William Liebl

April 17, 2012 minutes: Corrections

Page 162 insurance renewal is May 7th, 2012, change inparticual to perpendicular.

Page 163 Mr. Spazzo to Suozzo, Page 167 change \$158.00 to \$58.00 now. Lake Luzerne will be holding their Memorial Day Parade at 10:00 AM.

A motion was made by Councilman Gill seconded by Councilwoman Ryan to accept the April 17th, 2012 minutes with these corrections. All in favor, motion carried.

April 25, 2012 Special Meeting minutes: Corrections

Page 171 change Mr. Greven to Greagan from Rose and Kieran

173 change older to old, Prime to Trident, access to excess, and \$130.00 to \$1030.00.

A motion was made by Councilman Nathan Thomas seconded by Councilwoman Ryan to accept the April 25,2012 minutes with these corrections. All in favor, motion carried.

084-12. A resolution was made by Councilman Gill seconded by Councilwoman Ryan to pay the General Fund Bills in the amount of \$30,444.36. Roll call vote, all in favor.

085-12. A resolution was made by Councilman Gill seconded by Councilwoman Ryan to pay the Highway Fund Bills in the amount of \$24,049.82. Roll call vote, all in favor.

086-12. A resolution was made by Councilman Gill seconded by Councilman Nathan Thomas to pay the Fire Fund Bills in the amount of \$593.23. Roll call vote, all in favor.

Town Clerk report:

Conservation license	\$ 11.75
Returned Check Fee	20.00
Certified Death Copy	70.00
Copies	<u>.50</u>
Total Town Clerk fees	\$102.25
Dog Licenses	<u>30.00</u>
Total Town Revenues to Supervisor	\$132.25
NYS Ag & Markets	6.00
NYS Environmental Conservation	<u>201.25</u>
Total disbursed	\$339.50

Correspondence:

Lisa Bartow, Director Stony Creek Free Library- concluding winter concerts series and it was successful. Dirty Dozen Garden Club through the town's youth program was awarded "Program of the Year" for the Southern Adirondack Library System. Also a big "Thank you" for all the support and increasing the Library's budget for 2012.

Don and Pat Liebl-permission to use the town pavilion on June 16th, 2012 for a Family Reunion and also to have a camper there for roasting a pig, which requires all night cooking.

Tonya Hathway use of the town pavilion on June 30th, 2012 for a Graduation for her son.

Stony Creek Chamber of Commerce- requesting \$9750.00 in bed tax funds in support of the annual Stony Creek Mountain Festival.

William Liebl letter dated May 9th, 2012 resigning his position as Town Council due to personal health reasons.

A motion was made by Supervisor Thomas seconded by Councilwoman Ryan authorizing Don and Pat Liebl to use the town pavilion on June 16th, 2012 for a Family Reunion and also to have a camper there for roasting a pig, which requires all night cooking.

Tonya Hathway to use of the town pavilion on June 30th, 2012 for a Graduation for her son.

All in favor, motion carried.

Old Business:

Hamlet Revitalization Final Draft Plan:

Supervisor Thomas stated this is the Board's opportunity to look at it, review it and make comments about it or if it's something totally objectionable get them to change it.

Councilwoman Ryan stated her concern was about the other people's property. Because a lot of it is on private property, they are showing it totally different from what the property is being used for now. There are a lot of good things. She likes the crosswalk idea.

Supervisor Thomas agreed and stated it is just a plan. Councilwoman Ryan stated there are a lot of good ideas. Councilman Nathan Thomas stated there are a lot of facts to work off.

Supervisor Thomas stated there is a lot of information on it. He did notice a couple of mistakes they have Hadley road intersecting with Lanfear Road. Councilman Nathan Thomas stated he googled the maps and it shows it all up through Lanfear Road on the maps. Supervisor Thomas stated he thinks it's a good exercise and thinks it is a descent plan, he doesn't know if he would agree with everything that's in it but if that's what plans are about. Councilwoman Ryan stated a lot of plans are good. Supervisor Thomas thinks its something we should continue to look at and try to implement some of it, try to accomplish a few things it wouldn't hurt the way he sees it.

Councilwoman Ryan stated the parking area across the street from the Stony Creek Inn is a good idea.

Supervisor Thomas stated the amount of money that goes out of town, they estimate six million dollars that is spent and not spent here, none of it. It goes out of town. He thinks there is opportunity here for people but will have to do better at convincing people of that or improve the infrastructure of the conditions for people to feel they can make a profit here. Tomorrow or the next day or two the final draft will be placed on the website for everyone to take a look at.

Highway:

DEC Order on Consent-tanks and floor drains:

Supervisor Thomas stated after the last board meeting the highway crew helped dig up the pipes coming up from the back of the garage. The right one on the right hand side is ok, they didn't find anything there. The one on the left hand side there is contamination there. Tomorrow Mr. Suozzo, the towns engineer is suppose to come by and they are going to dig up some of the dirt, hopefully there won't be allot of it, they are going to put it on plastic.

As far as the Order of Consent itself, we are still kind of negotiating with the DEC Attorney over the Environmental Environment Plan to hopefully take advantage of the \$5000.00 of the fine.

We really haven't come to an agreement yet. He has the Order on Consent but until she (DEC Attorney) rewrites it or tells him the one he has is the one he has to sign we are kind of on hold. Attorney Cooper stated she asked for a conference call for Thursday or Friday. Supervisor Thomas stated that 3:00 PM on Thursday would be good.

Committee report:

Highway truck:

Councilwoman Ryan stated she has a name of a company that may be interested in buying the old truck that was damaged. Rather than having pieces lying around it might be better to get rid of the whole thing.

Supervisor Thomas asked what it would be worth.

Supt. Bradley stated he wasn't sure and he heard on the tape from last months meeting about \$20,000.00 for the box and plow frame. That would be wonderful if we did but he doesn't see getting only \$5-\$6000.00, you would have to worry about who would buy it, a logger isn't going to really want it because it has the flow n dump, another town may want it he doesn't foresee that happening. He could be wrong but if it was him he would call a couple of them people and see if anybody wanted the whole truck, that is foreseen if we don't buy another truck that has the same thing. That's what he would be waiting for. If we keep the tires and batteries we will have our money back anything above that is profit. You can call the junkyards and say do you want this, how much will you give for the motor, rear-end or the whole thing come get the whole thing. You would be better off. We don't have the resources to barter it out, unless you are going to put a lot of time into. He would encourage you to, if you think you can get that much out of the box and plow frame you can put it up for sale and try it. Councilman Nathan Thomas found a whole truck for \$30,000.00. \$20,000.00 for a box and plow frame is pretty steep. Yes there are a couple options there.

There is the Town of Inlet still. They contacted him today and said the truck is going out to public bid. The minimum bid is \$50,500.00-\$51,000.00. The last board meeting he wasn't here and there was concerns and he would like to set the board straight. Councilman Nathan Thomas stated he found a truck for \$30,000.00 it has no sander on it and more then likely it's an International and a scissor hoist, so we would have to put our box on it. He is figuring it's at least a month of work at least three weeks minimum to put the box on it and it is tying up two or three guys for a full month, and you have to figure there is \$8-\$9000.00 putting the box on. If it has a scissor hoist on it. That's another whole nightmare.

He did call on a lot of trucks, every truck that is on the Internet and all the highway guys searched and looked and called and there is nothing in the area.

We can buy a truck for \$30,000.00 but your going to put \$10-\$15,000.00 into it minimum. Putting the sander on it and all that stuff. He was under the assumption that, and he didn't speak up enough, he was told to look at it, he did, he said it was a good truck and thought that was it and then Mr. Aldrich had some concerns that it was Sterling. Sterling has nothing to do with anything on this. It's a Cat motor brand new motor 20,000 miles. \$20,000.00 for the motor, new clutch, it's completely set up, plow, wing. Everything is done, the truck is ready to go. We have a week doing minor stuff. I would suggest the town to pursue it. Unless the Board wants him to wait, you may find something you may not. He's not saying this truck is perfect, there maybe a couple things wrong with it. We see that it is a descent truck. There is a lot of truck out there for \$30-\$35,000.00 but we are going to be putting money into it and losing man-hours. He is trying to make his point about getting that truck. If the Board doesn't want to do it, doesn't want to buy a truck then that's up to the Board. He thinks we need it. If a truck breaks down we are going to be down a truck and people aren't going to be what they are use to getting the roads plowed. Supervisor Thomas stated it's still available. Supt. Bradley stated it's still available it's s public bid in-house, it's one week, minimum bid is \$50,500.00. He can't foresee anyone else bidding on the truck

Supervisor Thomas stated then they didn't get a bid last time. Supt. Bradley stated they got a bid of like \$30,000.00. A certain individual is going to want that truck maybe someone like us, that's in our predicament. Most towns have low interest rates and get state discounts they are just going to buy a new truck. If the Town Board wants to wait that's up to you. He is just saying if your going to buy a used truck and try to get by that is the way to do it. Also as far as you talking about the paving and how we can't take money out of that, that's not what he met. As far as paving he is going to try and pave, when he does the Item One Agreement that's what he is going to try and do. He can't foresee doing it, but he has to put an area he wants to work within.

We have culverts to change, shimming to do and we are going to try to do all of that and pave it but obviously with all the FEMA work that's going to push us behind. He doesn't foresee them doing it. What he is trying to do is getting everything prepped for next year and extra money we would just roll it over a year and continue paving next year and get a good shot, we'd get more miles out of it. He tried to explain that to Councilwoman Ryan when she mentioned that. He jockey's money around, He takes all his fuel out of DA5110. He doesn't take any fuel, up until this year, out of DA5112.2. So technically he can be taking the fuel out of DA5112.2. So to get more money he will not take fuel out of the DA5110 and transfer it, which he can do out of DA5112. which makes his budget much higher on this end and can use that money that way.

There are many ways to jockey money around and that is what he was trying to explain to her. Then when you were talking about it you said you already signed this agreement. There is just so many ways to jockey money around that he can do that instead of taking money out of paving. He didn't mean he was going to take money and stop paving and totally screw up that thing. So that it's clear.

Supervisor Thomas stated you have enough in your equipment. Supt. Bradley stated yes absolutely. But he was trying to explain that there is other ways of doing it. He doesn't want people thinking that he is trying to do away with paving and not do his job. There is just so much they can do. His attentions are to shim that and get it ready and if they have time to pave it and if not roll the money over for next year and do more paving next year.

It will be the same amount no matter what we do and we won't be behind on the schedule. On the truck as far as Sterling the County runs Sterling and they are not having problems getting any parts. Councilwoman Ryan stated they were also brought out by Ford. Which is a big company. Supt. Bradley stated Fleetliner is supplying all the parts for Sterling. Yes there will be a time but basically it's going to be the cab. There are junkyards out there. That is to new of a company that went under. They have to supply parts at least for 10 it could be 20 years after they manufacture the trucks. So no matter what happens they still have to manufacture parts for these trucks. Even through they are out of business they still have to manufacture for this reason. There will be parts available, he is not saying forever. The 1990 they are having trouble getting parts for, it's going to happen.

Supervisor Thomas stated this truck is a 2004. Supt. Bradley stated it has 100,000 miles, new motor, and new clutch. It has two leaky rams in the box which are fixable, we can run them like they are and have welding to do in the box and it needs to be sandblasted and painted. That is normal stuff they do anyway. There are trucks out there for thirty thousand but there are a lot of things you have to look into. If you want to buy a tri-axle you have to get rid of the axle then you have to buy central hydraulics. Your leaving it up to him, there is a lot of work, if you want to tie up a couple guys all summer long doing that then we can do it. If you don't want a truck then that's how we will do it.

Supervisor Thomas asked Supt. Bradley if he thinks we should pursue the truck. Supt. Bradley stated yes, he thinks we should really pursue it. He can't find anything else on the Internet. He has been looking since the truck was wrecked, unless you find something else. Councilman Nathan Thomas did good at what he did he did to find something but. Councilman Nathan Thomas stated all he was looking for was the tandem, axle, box and wing. Councilwoman Ryan stated it didn't have the sander. Councilman Gill stated his main concern is we have one truck that has the bad frame on it. Supt. Bradley stated so far it is holding up good, but it could go. We always have a truck that breaks down it's a fact. Supervisor Thomas stated we don't have nothing. We have three other trucks. Supt. Bradley stated yes, exactly. If we have another winter like this one we're golden, if we get a bad winter we are going to be, that's the way it is. Councilman Gill stated we should pursue it Councilwoman Ryan seconded it. Councilman Nathan Thomas stated if we have the money for it. Supervisor Thomas stated we have the insurance money. Supt. Bradley stated we might not get it but defiantly pursue selling the truck as soon as it is done. Supervisor Thomas stated with that he doesn't want to give it away because he thinks we gave away the last truck. Supt. Bradley stated we did give it away cheap and the guy is still running it. Supervisor Thomas stated because we go out looking at trucks and its \$30-\$40,000.00 for junk and we sit here half the time giving stuff away and thinks we have to stop doing that whether we can get anything for it is another question.

087-12. A resolution was made by Councilman Gill seconded by Councilwoman Ryan to pursue the purchase of the truck (**2004 Sterling LT9500 Dump/Plow Truck** VIN# 2FZHAZAS34AM71674, 97499 mi.) from the Town of Inlet and put a sealed bid of \$51,000.00. The deadline is Monday at 3:00 PM. The Town of Inlet will open the bids on Tuesday at 7:00 PM. Monies will come from the insurance money of \$32,800.00 and the rest will come out of DA5110.4. Roll call vote, all in favor.

Supt. Bradley stated we have a lot of FEMA work and knows we have to use some of our money to match that. Supervisor Thomas stated we haven't got any yet. Supt. Bradley stated we still have to spend 25% of what we are doing, right. Supervisor Thomas stated he doesn't know if that is 100%. The Governor said he was going to pay the 25% he believes, 2-3 weeks ago. But hasn't heard anything more about that since he said that.

FEMA

Supervisor Thomas reported they received from what they call the notification project blue notebook for Fodder, Louis Waite and Lens Lake Roads. They will pay 75% of the total project. He hasn't seen any money yet but assumes it will be coming. The other 4-5 they haven't received in a while. They are still up in the air. He doesn't anticipate a problem. He hasn't seen any money only for Harrisburg Road and that was back in January. That's the only money to date that we received. If we get those three, most of it is work that has been done, that's been completed for those three jobs around \$32,000.00. Hopefully the Governor will at least pay 12½% as the State has done in the past. The way he understood it he is going to pay the 25%. Time will tell.

New Business:

Councilman Liebl's letter of resignation:

Supervisor Thomas stated Councilman Liebl's letter of resignation and what the Board wants to do. He had June 30th but can only go 30 days after he sent the letter. It's up to the Board what happens next. We can advertise and appoint somebody next month, we can appoint somebody tonight, and he thinks we can leave it vacate and wait for the election. It's up to the board with what they want to do. Councilwoman Ryan stated you would have to advertise it right? If anyone is interested they would have to submit letters. Supervisor Thomas stated if the Board wants to appoint somebody then just ask for letters of interest. That's what we did in the past. Councilman Nathan Thomas asked how long his term is for. Supervisor Thomas stated whoever is appointed would have to be run on the ballot this fall. They would circulate a petition and be on the ballot. The Town Clerk stated his term expires in December 2013. Supervisor Thomas stated they would have to run this year and next year.

088-12. A resolution was made by Councilwoman Ryan seconded by Councilman Gill to accept letters of interest to fill the vacancy of Town Council created by William Liebl Lens Lake Road P. O. Box 7 Stony Creek, NY. Roll call vote, all in favor.

Official Undertaking of Municipal Officers:

Supervisor Thomas stated this is something that should have been done at the beginning of the year. Basically it is anyone that handles money for the town is required to take this Official Undertaking. The resolution includes himself, Susan Harrington, Anita Braman, Warren Law, Neil Bradley, Ronda Thomas, Thomas Fisher, Harold Hastings and Richard Gilbert. The Town Clerk brought this back from the Town Clerk's Association Conference.

089-12. A resolution was made by Supervisor Thomas seconded by Councilman Gill WHEREAS, various sections of New York State Town Law and Public Officers Law require that certain officials execute an Official Undertaking; and WHEREAS, we, the Town Board of the Town of Stony Creek hereby require the Supervisor, Town Clerk, Tax Collector, Town Justice and Highway Superintendent to execute said Official Undertaking as required by said law; and WHEREAS, we, the Town Board of the Town of Stony Creek hereby require the Secretary/ Bookkeeper to the Supervisor, Landfill/Recycling Coordinator to execute said Official Undertaking as required by said law; and WHEREAS, we, the Town Board of the Town of Stony Creek hereby require the Maintenance worker, and an Employee of the Highway Dept who fills in as Landfill/Recycling Coordinator to execute said Official Undertaking as required by said law;

NOW, THEREFORE BE IT RESOLVED that we, the Town Board of the Town of Stony Creek approve the document entitled "Town of Stony Creek Official Undertaking of Municipal Officers" as to its form and manner of execution and the sufficiency of the insurance, and BE IT FURTHER RESOLVED that said Official Undertaking containing the notarized signatures of those named municipal officials be filed in the Office of the Town Clerk. As well as the original copies of the insurance policies indicating the sufficiency of the sureties to indemnify the Town against losses, which may arise from failure of such officials to properly discharge their duties.

Roll call vote, all in favor.

Attorney Cooper stated the only concern he has is Susie Harrington can't notarize her own signature he can certainly notarize her signature and anyone that signs that happens to be here tonight the rest will be notarized by Susie Harrington.

Attorney Cooper did review the Statutes and for people in the audience who doesn't understand what an Undertaking is. It's a law word that means to issue a promise, it's different then the Oath because your not swearing to God or anything but you are saying that you will faithfully handle the money that comes into their control and turn it over to where it belongs to go and if they don't they stand for it as far as civilly and the criminal law is another matter. The law also requires that the Undertaking be secured by Surety Bonds or to rich people who will sign Surety to guarantee that faithfully performances of the Official Undertakings does allow us to obtain a fatality bond from a corporation that handles such things.

Supervisor Thomas stated we have an insurance policy that is \$100,000.00. The Town Clerk stated the policy has to be attached to the Undertaking also. Attorney Cooper stated maybe we can get a face sheet of the policy from our carrier and staple it to this.

Supervisor Thomas stated that's what it has been in the past is \$100,000.00 for the Tax Collector, Supervisor and Bookkeeper. The Town Clerk, Highway Superintendent and Judge has been \$3-5 and are \$15,000.00 now. That's what it has been in the past because obviously the more, larger the bond the more expensive it is. Currently it is \$100,000.00.

The Town Clerk stated that they reported prepaid bills should also be done at the Organizational Meeting every year.

Bed Tax Funds:

Chamber of Commerce request of \$9750.00 for Mountain Festival.

090-12. A resolution was made by Councilman Thomas seconded by Councilwoman Ryan 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 3-4-5, 2012. Roll call vote, all in favor.

091-12. A resolution was made by Councilwoman Ryan seconded by Supervisor Thomas authorizing the following budget transfer:

Debit DA5110.1 General Repairs in the amount of \$1404.00

Credit DA9050.8 Unemployment in the amount of \$1404.00

Roll call vote, all in favor.

From the floor:

Supervisor Thomas reported Memorial Day Parade will be held May 28th, 2012 at 1:00 PM. A service will be held at the Veterans Memorial Park at the recreation field with refreshments held at the town hall following the service.

A motion was made by Councilman Gill seconded by Councilwoman Ryan to adjourn the meeting at 7:57 PM. All in favor, motion carried.

Respectfully submitted,

Susan Harrington
Town Clerk