

October 16<sup>th</sup>, 2012

The regular Town Board meeting of the Town of Stony Creek was held on October 16, 2012.

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

Councilman Harry Paul Gill

Councilman Nathan Thomas

Councilwoman Doreen Ryan

Attorney James Cooper

September 18<sup>th</sup>, 2012 minutes:

Corrections Page 224: The storage tanks at the highway garage need to be installed. The tanks will have to be emptied and contents hauled away. Mr. Suozzo has completed testing of soil and water samples and is waiting for see if anything else is needed. The budget is to purchase 11 signs in the amount of \$11,280.00 of which \$5000.00 is part of the fine. Supervisor Thomas will ask Laurel Gailor, Soil and Water and people from town to help design the interpretive signs.

Page 225: Supervisor Thomas stated the union negotiations will be starting in the next few weeks. A motion was made by Councilman Nathan Thomas seconded by Councilwoman Ryan to accept the September 18<sup>th</sup>, 2012 minutes with these corrections. All in favor, motion carried.

October 4<sup>th</sup>, 2012 Special meeting minutes:

A motion was made by Councilman Gill seconded by Councilwoman Ryan to accept the October 4<sup>th</sup>, 2012 minutes. All in favor, motion carried.

131-12: A resolution was made by Councilman Gill seconded by Councilman Nathan Thomas to pay the General Fund bills in the amount of \$9,912.03. Roll call vote, all in favor.

132-12: A resolution was made by Councilwoman Ryan seconded by Councilman Gill to pay the Highway Fund bills in the amount of \$13,471.13. Roll call vote, all in favor.

133-12. A resolution was made by Councilman Gill seconded by Councilwoman Ryan to pay the Fire Fund bill in the amount of \$3,095.00.

Discussion: Supervisor Thomas stated Penflex in the amount of \$2600.00 is the yearly Administrative fee. Penflex is the Actuary for the Service Award Program and \$495.00 is for the audit package. Roll call vote, all in favor.

Town Clerk Report

Conservation Licenses	\$ 54.63
Death Copies	40.00
Fax	1.00
Copies	<u>1.00</u>
Total Town Clerk Fees	\$ 96.63
Dog Licenses	<u>150.00</u>
Total Town Revenues to Supervisor	\$ 246.63
NYS Ag and Markets	30.00
NYS Environmental Conservation	<u>937.37</u>
Total disbursed	\$1214.00

Correspondence:

Dog Control Log-September 2012

John Nelson 3331 Lens Lake Road asking the town to consider repairing the enclosure and ensure a durable marker to be attached to the enclosure to prevent the snowplow damage or more damage to the well.

Highway: Garage Door

Supervisor Thomas stated we talked about this on October 4<sup>th</sup> and maybe need to make a decision here tonight of what we are going to do. Supervisor Thomas stated he took one estimate that the Highway Supt. got from the Winchip Over-head Door Co. for replacing all the doors and divided it by 7 and came up with \$2856.86. It also states in it that it is without glass, this in 3 in. R22.2. He isn't sure if that's an accurate number, the \$2856.86, divide \$19,998.00 by 7 that's what you get. Over-head Door Co. gave an estimate of \$1358.00 to repair the door we have now, that is an R14 1½-1 ⅝ in. thick. Out of that the towns insurance would cover \$358.00 because we have a \$1000.00 deductible.

Councilman Nathan Thomas stated other then damage are we on any replace value of any of these doors as far as schedule. Supervisor Thomas stated that is up to the board. We could do one a year. Councilman Nathan Thomas stated if your going to upgrade to the R22.2 it would be something to work through. Supervisor Thomas stated he would think that if you were going to replace the door the R22 would be the way to go. Councilman Nathan Thomas stated is the insurance co. going with the replace value or the lowest bid. Supervisor Thomas stated from what he understands they will pay to repair it they aren't going to replace it. Councilwoman Ryan stated that is a lot of money to come up with, we would have to space it out. Supervisor Thomas stated he isn't considering doing all of them just the one. To replace all of them that would be \$20,000.00 for all seven of them. Councilman Nathan Thomas stated to go ahead with the R22.2 its only \$200.00 more then the R14 as long as the estimation of \$2856.56 is right. Supervisor Thomas stated we would have to double check the price on the thicker door because the guy might have thought seven doors instead of the one.

134-12. A resolution was made by Councilman Nathan Thomas seconded by Councilman Gill to accept the Winchip Over-head Door proposal to replace the highway garage door with the 3in. thick R22.2 without glass not to exceed \$3000.00 and to keep the old door. Roll call vote, all in favor.

Retaining wall at the intersection of Swears and Harrisburg Road:

Supervisor Thomas stated this was also discussed on October 4<sup>th</sup> and everyone had a chance to drive by and look at it. Supervisor Thomas asked if there were any suggestions to repair what's there or to replace it. Councilman Gill asked if he heard about the County doing anything? Supervisor Thomas stated he hasn't. Councilman Gill stated maybe we can do a temporary fix now to get it through the winter and maybe next spring we can come up with an idea to fix it and maybe make it look better. Councilwoman Ryan stated something sturdy and built it to last. Supervisor Thomas stated the wall was hit by logs. Councilman Nathan Thomas stated the dump load of logs struck it when the truck was going up the hill.

Councilwoman Ryan stated what about the owner of the log company, has any one had contact with them. Councilman Nathan Thomas stated not that he knows of. Supervisor Thomas stated no. Supervisor Thomas asked if the wall was actually hit. Councilman Nathan Thomas stated he's not sure if it was hit when the logs were lost or if it was hit by the town loader when they pushed them out of the road on Harrisburg Road. He wasn't there at the time. From the look of what's there it looks like its chinked up rocks and concrete. There is nothing structural there. Supervisor Thomas stated we aren't really sure the logs hit the wall. Councilman Nathan Thomas stated yes. Supervisor Thomas stated the wall was put up there a few years ago, its just rocks and cement. Supervisor Thomas stated the consensus is to repair what is there and maybe take a different action in the spring. The Board agreed. Supervisor Thomas will ask Supt. Bradley if they can patch what damage is there.

#### Capital Reserve Fund: DEC Interpretive Signage Reserve Fund

Supervisor Thomas reported they would need to establish a Capital Reserve Fund to satisfy the Order on Consent from DEC. This needs to be in the amount of \$5000.00. Supervisor Thomas labeled this as "Dec Interpretive Signage Reserve Fund" and will need to do this by resolution.

135-12. A resolution was made by Supervisor Thomas seconded by Councilman Gill to establish a Capital Project Reserve Fund called DEC Interpretive Signage Reserve Fund in the amount of \$5000.00, which will be taken out of the Fund Balance.

Discussion: Attorney Cooper stated he wish he had bought his file. When he looked at the Consent Order and put together a Schedule of Compliance that he sent over. It struck him that there seem to be inconsistency in the Order at that time that he didn't pick up before and that is a technicality DEC is requiring us to establish this Reserve Fund and we have to do this in a relatively short period of time, like this calendar year. Supervisor Thomas stated 60 days. Attorney Cooper stated the Board shouldn't think that's the end of it. We are going to have to spend the \$12-\$14,000.00 for the signage project in order to be in compliance eventually. He doesn't recall when we have to spend that. Supervisor Thomas stated by December 1<sup>st</sup> 2013. Attorney Cooper asked if this was going to be in the budget for 2013, the balance in addition to this Capital Project Fund? Supervisor Thomas stated yes. Attorney Cooper stated he just wanted to make this clear. Supervisor Thomas stated it's up to \$11,280.00, that's what they agreed to. Attorney Cooper asked if this included the \$5000.00. Supervisor Thomas stated yes. Attorney Cooper stated just a digression when do you plan to order the signs or do you want to wait for the community to help design them first. Supervisor Thomas stated we would need to get a couple people together and come up with designs. Councilman Ryan asked if he wanted painted signs or different medium signs. Is there any specifics? Supervisor Thomas stated the ones he has seen has like a resin base, they are colorful and they explain what the picture shows and what you are looking at. Attorney Cooper stated your basically looking for community input as far as the design is concerned? The actual sign construction will be done by professionals someplace else. Supervisor Thomas stated right basically what the signs are going to describe, this is the first part where they give you 60 days. Attorney Cooper stated yes 60 days on the \$5000.00. Supervisor Thomas stated if the signs aren't completed at that time then they want \$5000.00. Attorney Cooper stated its appropriate and desirable to have community input on this, but are these signs going to be in an area of specialty that's beyond the average skilled set of a guy like you and him.

In other words are we planning on having signs saying look here's a habitat for the short-eared owl, something like that? He doesn't know if it is or isn't or if your going to talk about floral, maybe the wildflowers you'd expect to come in the meadows there, you might have to broaden. You may have to outreach to experts to those fields like folks at Up Yonda Farms something like that. Supervisor Thomas stated Soil and Water, Laurel Gailor from Cooperative Extension she is a Naturalist. Soil and Water did some for the Town of Queensbury in their Meadow Brook walking trails, they turned out nice.

Attorney Cooper asked if we mowed the fields once a year or every other couple years? Supervisor Thomas stated there was a gentleman from the Town of Hartford, Patrick Beadnell. He stopped at the town hall and he seems to have a liking for blueberries and there is wild blueberries over there so him and his son came here and mowed quite a lot of the fields and he has come back and mowed the blueberry area with a lawn mower. He said we would have to wait until after the first frost to do that because the blueberries grow better. He mowed a good chunk of the field over there and thinks he is coming back again. Attorney Cooper stated if your going to have a natural area it would be a good idea to look to establish a schedule, which accommodates that kind of need. Supervisor Thomas stated what hasn't been mowed will need to be as part of the agreement. The town kind of commended to mow the field at least every other year and thinks it's a good idea so it doesn't grow up.

Supervisor Thomas stated getting back to DEC. He did send them a check for \$500.00 as the first part of the fine. An additional \$2000.00 is due December 31<sup>st</sup>, 2013 and he also sent an e-mail to Mr. Pasco and re-reported the towns spill number. He called in the spill after arguing with him that it wasn't a spill its inside a containment area. He doesn't know how you could have a spill inside a containment area. He called it in back on March 29<sup>th</sup> and told him it was March 29<sup>th</sup> with the number and thinks he is happy now. The next step is petroleum bulk storage application of which Mr. Suozzo is making sure it's completed correctly. There is a \$300.00 fee for that. He thinks it is a five-year permit so we can store fuel on the property. He thinks everything in the Order is complied with except the tanks. Mr. Suozzo is going to make sure all the tanks are labeled properly, which he thinks they are and have been for a year and a half and Mr. Suozzo is making sure we come into compliance. Attorney Cooper stated we still have to establish the tank that the containment was rebuilt in the garage. He thinks we have to send them pictures of that to prove that we did that. The only other one he knows of is as far as he understands the facts is the one we got from Beaver (Dale Aldrich) that has to be closed officially. Supervisor Thomas stated if it hasn't been it will be. It's been vented and thinks it will need to be stenciled with the date on it.

Attorney Cooper stated as far as the Consent Order is concerned there is one other element he should bring to the attention to the Board that is as we near the very end of the negotiations for how it would be signed, what order and so forth, he commented to the DEC Attorney that our Town Highway Supt. was getting no response what so ever with regard to the application for a TRP and she said that was per her instructions to DEC. Supervisor Thomas stated right. Attorney Cooper stated Supervisor Thomas indicted since then, since the Order has been signed they issued the TRP to Supt. Bradley to do work out on Harrisburg Road. Supervisor Thomas stated yes, that's what he said and he has put gravel down. Supt. Bradley told him this morning you could drive a car to the first creek, it's just one lane. Attorney Cooper stated he didn't go outside the ditches. Supervisor Thomas stated and he didn't cut brush.

Committee reports:

Francis Dean Farm Heritage Trails.

Supervisor Thomas updated the Board on the trail project. They have been working about 20 hours a week. Three people and one person works less than 8 hours. All that part of the trail, which is a little over a mile has been topsoil, organics have been removed, they have fabric down on all of it and all of it has stone down, probably when he saw it a couple weeks ago,  $\frac{2}{3}$ 's but would say probably they have more than that done now. They started with the boardwalk part of it this week. Sandi went and got an auger; he's not sure what kind it is. They tried a hand auger to drill a six-inch hole for a 4x4 post it was fine until they hit a rock. So they have something they tow behind a pickup. They have a walk behind little payloader, Bobcat. They have been using to load up their trailer. They want to get one for that but the place was renting out the one they had, they are going to get another one. That would probably work better because the walk behind thing is pretty heavy. They are going to start the construction of the boardwalk section, they have most of the switchbacks that go up the knoll, and they are pretty much complete. It's coming along. There have been several people over there walking around.

Supervisor Thomas asked for a Roll call vote to the above resolution number 135-12, to establish a Capital Project DEC Interpretive Signage Reserve Fund in the amount of \$5000.00.

Roll call vote, all in favor.

Youth, Park Rec:

Halloween Night: Councilwoman Ryan reported that the Stony Creek Fire Co. will be giving candy out in front of the firehouse Halloween Night.

Councilman Nathan Thomas stated he had the pleasure of going on the youth trip to Stone Bridge and Caves. There were 18 kids, he didn't realize that we opened it up to more than just Stony Creek resident but Marcy said with the shortage of kids they had to in order to get enough to justify the bus ride.

New Business:

John Nelson request to repair the enclosure of a well house.

Supervisor Thomas stated the only thing he can say is if we damaged it we should probably repair it. Attorney Cooper asked if it's a dug well. Councilman Nathan Thomas stated yes it's a hand dug well, its on the edge of Lens Lake Road, its' a white dog coop size house maybe 2-foot square if your lucky. Supervisor Thomas asked if it was damaged a lot. Councilman Nathan Thomas stated it looked like it was gone by this spring but 10 years ago it was built out of non-treated lumber, ground level. So how much was damaged from snow pushed and how much damage was from 10 years of high quality care. If we damaged it he will obviously yes, but its defiantly something to mark so we can see it. Supervisor Thomas stated it must be pretty close to the road then. Councilman Nathan Thomas stated he thinks it's a car length off the road pavement; it's at the end of the driveway. Supervisor Thomas will ask Supt. Bradley to at least put something up so we know where its at and will take a look at it and if it needs fixing, if its something the snowplow did fine. If it's rotted apart it's probably not going to get fixed. The Board agreed.

Road signs:

Councilman Nathan Thomas asked about the Seth Mountain and Van Auken Road signs. Supervisor Thomas stated he spoke to Supt. Bradley about ordering the signs, he doesn't know if he has or not. Supervisor Thomas will ask him again.

Councilman Nathan Thomas stated that Peter LaGrasse has come up with another private road off Tall Pine Road in Harrisburg. He doesn't know the name of it yet. Supervisor Thomas stated that Peter is the Town's 911 Administrator so he would have to name the road. Supervisor Thomas will ask Peter about the name.

Budget transfer:

136-12. A resolution was made by Councilwoman Ryan seconded by Councilman Nathan Thomas to authorize the following budget transfer:

Debit A1990.4 Contingent in the amount of \$200.02

Credit A 1410.4 Town Clerk in the amount of \$200.02. Roll call vote, all in favor.

From the floor:

John Thomas stated he had a question on the October 4<sup>th</sup> meeting. You mentioned a reduction in the State Land; it's like 2%. Supervisor Thomas stated yes. John Thomas stated doesn't it go back to the Agreement or whatever was made back when the town sued the State. Wasn't that part of the Agreement, 2% decrease each year? Supervisor Thomas stated it could have been. John Thomas stated he remembers hearing about that, it was a long time ago, that's what sticks in his head was 2% decrease on the value of State Land per year. Until it gets to a certain real low level. Supervisor Thomas stated zero. John Thomas stated just about, yeah. That's the way he heard it. That's why he was asking if that was. Supervisor Thomas stated he wasn't sure if it was part of that agreement or not. Attorney Cooper stated he is sure it was. Supervisor Thomas stated you think it was? Attorney Cooper stated yes, we thought it was a good deal at the time. But 10 years down the road or whatever, you saw a big deduction. Supervisor Thomas stated yes, where does it stop? Attorney Cooper stated he would have to go back and look at the Agreement. Peter LaGrasse would probably know if you want to ask him, he probably knows off the top of his head. Supervisor Thomas stated he keeps telling him Transitional Assessment. Attorney Cooper stated yes but he doesn't say when the 2% stops? When it reaches a point of something. Supervisor Thomas stated no return. Attorney Cooper stated something some wizard sits in a room and says its Transitional Assessment and nobody else understands? Supervisor Thomas stated yes, and the State sued the Town to be clear. The town didn't sue the State. Attorney cooper stated we were represented by Bond, Schoeneck and King. They sent some guys out that specialize in this and said it was a good result. When Peter was satisfied with it and the lawyers were satisfied with it, it was hard to say stop in the name of love we have to do something else. John Thomas stated as he recalls he thinks it does go to zero.

Supervisor Thomas stated how can State Land go to zero? John Thomas stated he doesn't know how they do it but that's what sticks in his mind that was the result. Supervisor Thomas stated he doesn't see how it can go to zero. John Thomas stated he knows it was 2% decrease. Attorney Cooper stated it's hard that the Board at that time would agree to that. Peter LaGrasse should be able to answer that question. He will contact him tomorrow and see what he remembers about it and also pull out the file and take a look at the Order and see what it says.

John Thomas stated it was a few years ago. Attorney Cooper stated it was a long time ago, 1993-1994.

Supervisor Thomas stated he doesn't see how it could go to zero because State Land is to be assess as though it was private land. That's what the APA Act or Law says and all he knows is it needs to stop. Supervisor Thomas stated like it says in the October 4<sup>th</sup> minutes we are raising another \$132.00 this year in the tax levy and it's going to cost everyone \$8.65 per \$1000.00 to generate \$132.00. John Thomas stated you have seniors and don't know how they are going to afford it. Everything else is up, the fuel everything is up except their income. \$8.00 doesn't sound like much but.

Supervisor Thomas reported a public hearing will be held on the 2013 Town Budget on November 7<sup>th</sup>, 2012 the day after the Election at 7:00 PM and whoever gets elected he would expect to be here so they can be sworn in and take their seat.

Supervisor Thomas stated the 2% tax cap is on the levy so we can raise it another \$13,000.00 and still be under the 2% but it will increase the tax rate by 4-5%, then your talking \$17-\$18.00 per \$1000.00. We can't right now because we adopted the preliminary budget but after the public hearing we can certainly do that and still be within the tax cap, because the tax cap is on the levy not on the tax rate, just to clarify what went on Oct. 4<sup>th</sup>, 2012

A motion was made by Councilwoman Ryan seconded by Councilman Gill to adjourn the meeting at 7:49 PM. All in favor, motion carried.

Respectfully submitted

Susan Harrington  
Town Clerk