

June 19, 2012 Regular meeting

The regular Town Board meeting of the Town of Stony Creek was held on June 19, 2012.

Supervisor Thomas called the meeting to order at 7:01 PM with members present:

Councilman Harry Paul Gill

Councilman Nathan Thomas

Councilwoman Doreen Ryan

Attorney James Cooper

May 15, 2012 minutes: Correction:

Page 177 change Environmental Environment Plan to Environmental Betterment Plan.

A motion was made by Councilman Gill seconded by Councilwoman Ryan to accept the May 15, 2012 minutes with this correction. All in favor, motion carried.

092-12. A resolution was made by Councilman Nathan Thomas seconded by Councilman Gill to pay the General Fund bills in the amount of \$15,099.42. Roll call vote, all in favor.

093-12. A resolution was made by Councilwoman Ryan seconded by Councilman Gill to pay the Highway Fund bills in the amount of \$24,645.61. Roll call vote, all in favor.

094.12. A resolution was made by Councilman Gill seconded by Councilwoman Ryan to pay the Fire Protection Fund bills in the amount of \$18,846.12.

Supervisor Thomas stated \$17,616.12 is for annual contribution to the Service Award Trust Fund, which is figured out by Penflex who is the Actuary that keeps the entity fund on track. Roll call vote, all in favor.

Town Clerk Report:

Conservation Licenses	\$ 0.55
Death Copy	20.00
Marriage License	<u>17.50</u>
Total Town Clerk Fees	38.05
Dog Licenses	<u>112.00</u>
Total Town Revenues to Supervisor	\$150.05
NYS Ag & Markets	22.00
NYS Dept of Health	22.50
NYS Environmental Conservation	<u>9.45</u>
Total disbursed	\$204.00

Correspondence:

Dog Control Log- May 2012

Stan Ross Chief, Stony Creek Fire Co.: hosting an Emergency Vehicle Operations Course at their firehouse on June 30th and July 1, 2012 and would like permission to use the recreation field parking lot or the field for the test which will consist of driving and backing around cones on July 1, 2012.

Cindy Cameron – permission to use the park pavilion or the town hall in event it rains on July 21st, 2012 for a family reunion.

Marilyn O'Neill, Corinth Image Committee: inviting everyone to the Independence Day Celebration on Saturday July 7, 2012.

John F. O'Neill submitting a letter of interest to fill the vacancy Councilman.

John Fieldstadt submitting a letter of interest to fill the vacancy of Councilman.

A motion was made by Councilman Gill seconded by Councilwoman Ryan authorizing the following:

Stony Creek Fire Co.: permission to use of the Recreation field for hosting an Emergency Vehicle Operations Course test on July 1st, 2012.

Cindy Cameron: permission to use of the park pavilion. In the event it rains permission to use of the town hall for a family reunion on July 21st, 2012. All in favor, motion carried.

Old Business:

Town Council Vacancy:

Supervisor Thomas reported as he stated at the last Board meeting, this is up to the Board, we can appoint someone, we don't have to appoint someone or we can let it go to the election.

Councilman Gill stated he would like to see it go to the elections. They have to run anyway, a couple months it will be here. Councilwoman Ryan stated we can wait another month.

Supervisor Thomas stated we can appoint someone right now, he will say that the petitions are out right now. The first day of signatures was June 6th and the last day to file them is July 14th.

A motion was made by Councilman Gill seconded by Councilman Nathan Thomas to let the vacant seat go to the election in November. All in favor, motion carried.

Supervisor Thomas thanked them for submitting their letters on interest.

Letter of Appreciation to William S. Liebl:

095-12. A resolution was made by Supervisor Thomas seconded by Councilman Gill

LETTER OF APPRECIATION TO WILLIAM S. LIEBL

WHEREAS: WILLIAM S. LIEBL has worked tirelessly for the Town of Stony Creek for Twenty one (21) years as Councilman, **AND**

WHEREAS: WILLIAM S. LIEBL has served Ten (10) years on the Board of Assessment Review **AND**

WHEREAS: WILLIAM S. LIEBL has been on various Town Board Committees and

WHEREAS: WILLIAM S. LIEBL has worked and supported various Town Organizations

WHEREAS: the Town of Stony Creek would like to thank him for his years of service, dedication and commitment to the Town of Stony Creek,

NOW THEREFORE BE IT RESOLVED: that on this 19 day of June in the year 2012 the Town Board of the Town of Stony Creek would like to extend, along with the whole Stony Creek Community, their thanks and gratitude to **WILLIAM S. LIEBL** for his many years of dedication and service to this community, **AND**

BE IT FURTHER RESOLVED: that this Resolution be written into the official Minutes of the Town Board of the Town of Stony Creek.

Roll call vote, all in favor.

Hamlet Revitalization Plan

Supervisor Thomas reported he has received the final Hamlet Revitalization Plan as designed by LaBerge Group. Copies were given to the Town Board, Stony Creek Library and the Town Clerk. The town also has a disc which they tried uploading to the website. Supervisor Thomas reported the Plan is pretty close to 40MG bytes and the website only accepts 10 MG bytes at a time and they are trying to get it down to 10MG's at a time.

Paperwork has been submitted to DEC for reimbursement. This is a \$25,000.00 Grant that's 100% reimbursable and they did say it would take three or four months to receive the money. This also has been submitted to the APA for their review. Supervisor Thomas reported last month he stated there is a lot of good information in it and if members of the public would like a copy of the Hamlet Plan a disc can be made and be provided or they can also stop by the town hall. Supervisor Thomas stated there is a lot of information in there. Again this is a plan it is not set in stone its not everything they are going to do its just ideas, hopefully a plan that helps make the town progress a little bit, encourage businesses, and make the town more livelier.

Landfill; Business Park:

This was a contract again with LaBerge and entered into it at the same time they entered into a contract for the Hamlet Revitalization Plan. This is for \$4000.00. They estimate that this is 90% complete. The Town Board reviewed Supervisor Thomas's copy of the draft. Supervisor Thomas stated this is a draft it is not final.

Committee reports:

Councilwoman Ryan stated she went to the Parents Night Out which was held in the basement of the town hall and if feasible she would like to paint the walls and reported that it had a smell down there too. Supervisor Thomas reported there was a bag of spoiled onions down there, which have been discarded. Councilwoman Ryan stated there were a couple kids that participated in that. She suggested painting the wall to make it more appealing.

FEMA:

Supervisor Thomas stated he received all the blue notifications folders they sent out for each of the projects. He called them and was informed that they paid up to Bundle 24 and that Stony Creek's projects are Bundle 33. They are waiting funds from the Federal Government and when they receive those funds they will pay up to Bundle 61. She did indicate that it would be 2-3 weeks. She also indicated that the State has authorized the 25% on what has already been paid up till June 15th. They do have one project on Harrisburg Road that the town received \$25,400.00 and we should be receiving the additional money on that which is about \$8400.00 and the check is in the mail. It sounds like 2-3 weeks or a month we should receive most of it except for one, which is for the large project.

National Grid:

Supervisor Thomas reported that National Grid did a street light audit and they have been over billing the town for several years for street lighting and will be refunding the town \$6700.00.

Highway:

DEC Order on Consent:

The floor drains have been removed, the metal part, by the highway dept and filled with concrete. They dug up the older floor drain on the back corner of the highway garage and there was some contamination there but not a lot. There was probably 3-4 yards of dirt that was removed and will have to get rid of.

Last week Tom Suozzo, Engineer was here with a helper and with the help of the highway dept, they installed two well points, he came back a day or two later and took a water sample so now they are testing the water to see if there are any oil or gasoline leaking in the water. Mr. Suozzo sent the test to Upstate Labs in Syracuse and he hasn't heard back on that.

Francis Dean Heritage Trails:

The Environmental Betterment Plan, which is a plan to possibly mitigate \$5000.00 of the \$7500.00 fine that has been assessed. A proposal has been submitted to the DEC Attorney and She came back with the one Supervisor Thomas recommended. It has to do with the trail project. It was for interpretive signs. He estimated 15 signs; estimated cost was around \$14,000.00. She came back with a rewritten Order on Consent. Some of the language he doesn't agree with. They want the town to report to them every month on the progress. They are going to give the town a year, year and a half to complete the project and they want a report every month. That is what she is proposing.

Supt. Bradley asked if it's for the signs or the whole completed project. Supervisor Thomas stated for the signs. The signs are anywhere from a foot and a half by 24 to 36, ½ inch thick, made out of resin fiberglass base, colored and have information about birds, animals, plants and trees. Councilwoman Ryan stated the signs would be up when its finished. Supervisor Thomas stated yes and they said they would give us until next September or October.

Attorney Cooper stated he wants the audience to understand that the way these things are handled is DEC has to have a club and when Supervisor Thomas stated the fine was \$7500.00. That's if we behave ourselves and do everything we are suppose to do to mediate the spill. The actual fine under the consent order is \$23 or \$29,000.00. They waived most of it, if we clean up and we label the tanks and we do the stuff we are suppose to do to come under compliance with the law. So we are trying to turn \$5000.00 of fine into \$5000.00 of benefit for the community. So its not money just wasted from our standpoint and going off to Albany and disappearing in their general budget.

In terms of the time involved straightening it out, and it's almost gotten to the point where it's not worth \$5000.00. In principal it is and we should look at it from that standpoint. We did violate the law and we are trying to bring ourselves into compliance with it and this is the best case resolution and the department did modify their regulations for these Environmental Betterment Plan to allow us to fold this project into their prior practices and the prior practices didn't allow for anything like this so we actually have broken new ground with them and perhaps other communities would benefit from this in the future. The reason he thinks Supervisor Thomas was leaning toward the signage was because we won't be reimbursed by our grant for any of that, so that was going to come out of our pocket anyway.

Better to apply the \$5000.00 towards that because we have to spend the money. Better to spend it on ourselves then send it to Albany. He thinks that was part of the thinking. Supervisor Thomas thought we could absorb the expense in our budget and get it done. One of the conceptual things he has to talk to Supervisor Thomas about is, her Order suggest we have to have to do the whole \$14,000.00 job or we pay the \$5000.00 fine. He thinks if Supervisor Thomas and himself could show her that we did \$5000.00 worth of work in terms salaried paid or materials ordered that would satisfy them. So that is a conceptual golf that we have to bridge. We are close to straighten it out and getting our Consent Order.

Supt. Bradley asked if the \$5000.00 was out of \$14,000.00 less the \$5000.00 reimbursed from the project? Attorney Cooper stated it's not in the grant. You have to spend.

Supt. Bradley stated you had to actually specify what you were doing.

Supervisor Thomas stated they wouldn't allow us to use the \$5000.00 toward what we are already doing. We had to do something "new". Supt. Bradley stated and the signs weren't new. Attorney Cooper stated yes that's why this aspect of the job we are not going to be compensated for in the grant it's money out of our pocket and in that since it is new; we haven't budgeted for it. It's just conceptual. Supt. Bradley stated he can understand the \$5,000.00 not being paid back but the rest of it can be paid back because we have a plan.

Attorney Cooper stated for some reason they define these signs outside of what the grant is for. It's like an extra but common sense would indicate it should be part of the project but its not. Supervisor Thomas stated the grant is a Local Waterfront Grant there specifications are geared more toward the ocean and they are very strict on what the signs look like and they all have to be conform to there specifications and it doesn't fit in the Adirondacks.

Supt. Bradley stated if we have any future fines can we utilize that stuff toward our own park or does it have to be on their property. Supervisor Thomas stated he wasn't sure. It's an Environmental Betterment Project so if it was something environmental they may consider it. Attorney Cooper stated lets hope we have no future fines but he doesn't think they will allow us to go back to the well and say remember the Dean Farm project we would like to apply some of the fine against that.

Supt. Bradley stated in defense so everybody here knows that we complied with the building and the garage that was nothing we did wrong. Councilwoman Ryan stated at the time right. Supt. Bradley stated the only thing we didn't do was label the tanks and a couple of little small things. Attorney Cooper stated it's not like your department poured oil on the ground or anything like that he thinks our architect let us down. He designed and engineered floor drains that drained into a dry well and that is not compliant with the law. What happened with us was and it would be any municipality, is once you get over 1100-gallons you fall into a different classification. If you have a home fuel oil tank buried in the ground that is 1000-gallons DEC has no jurisdiction of it unless there is a spill. There is no regulations, no monitoring this stuff but once you get over 1100-gallons your considered Bulk Petroleum Store and they have all kinds of regulations and the tank right behind where the town board is sitting tonight there is a 3000-gallon tank. When they came and took a closer look they said he is a checklist of violations they were all smiles and friendly from what he heard but when they got to Warrensburg they wrote up quite a violation order and here we are in the soup. Supervisor Thomas stated it took them eight months to produce that order it wasn't until February that they decided to let us know about it.

Attorney Cooper stated we protested, here they threw a fine on us that we didn't budget for and the original Consent Order required us to pay it in a relatively short period of time and just threw that out but if that was an argument that was very effective because they said they understand and know where you're coming from, we are sorry. We were busy from all the stream regulations that had to be dealt with after the Irene flooding up in Essex County and Schoharie and everywhere else and were up to their ears in work. That's why it took us eight months to get this violation notice to you. So here is what we will do for you. You pay a little bit of fine in 2012 and the rest of it in 2013 and they are looking at \$2500.00. \$500.00 in 2012 and \$2000.00 in 2013 if we do everything we are suppose to do and they approve the Environmental Betterment Plan. They have been flexible from their standpoint. From our standpoint allot of what they do seem arbitrary and illogical but it's just the way the disagreement you have with bureaucrats. Supervisor Thomas asked if the Town Board had a major objection to the route where they are headed. Councilman Nathan Thomas stated it sounds like he has a good handle on it. Supervisor Thomas stated he has a feeling she is getting antsy and wants a signed order because our Engineer is way a head of the consent order and they are getting nervous that we're not following their rules again.

Highway Truck:

Councilman Nathan Thomas asked about the truck from Inlet, did we end up with that?

Supervisor Thomas stated yes, we mailed them up a check and on the 31st of May, Dave Farrell and Justin Thomas went up and picked it up.

Supt. Bradley stated they are going to have to buy a fuel tank that is \$1000.00. The front springs have been replaced, that was about \$700.00 and the sandblasting. They are finishing up things they didn't see, but it's turning out really nice, the interior is brand new in it. The Town of Inlet had a total of \$30,000.00 in receipts in the last year. They are doing a little welding and will have it finished up. It looks really nice, like a brand new truck. They will know more when they start running it.

Supervisor Thomas stated he would like to know if they could come up with a town seal something that is the same on all the trucks, they could stick it on there.

Supt. Bradley stated they were starting to do that. The stickers were peeling off so they were looking crappy. The ones on the Superintendents truck and the other truck look nice and they were in the process of swapping them over and then winter came and couldn't schedule them in to get them done. Unless the Town Board is thinking about something different, we have had a lot of compliments on how the trucks look. Stickers are cheap and they are peeling so they are painted on, the cost is \$300.00 a truck, he did have him down to \$250.00 at one point, but he got upset because it snowed and couldn't take the truck's in which were lined up to go in. He has had two trucks done and they were \$300.00 a piece. They are slowly working on this.

Supervisor Thomas stated he thinks we need to identify them. Supt Bradley stated he totally agrees but sees and you see where his budget is at. He was almost figuring on waiting until next year but if the Board doesn't mind, he will pull money out of one thing to do it and get it done right away. He really wants to get them done its just they are \$300.00. The only ones he has are the four big trucks basically.

It will be \$1200.00. If the Board doesn't mind him spending it unless you have another route you want him to go. If you have a special seal you want put on or something. Supervisor Thomas stated he knows we started down that road a long time ago.

Supt. Bradley stated yes, all the trucks were labeled then they started peeling and looking really bad. We peeled them off in January because he was going to have them done one by one and it got to the point now where we spent a lot of money. He didn't want to put \$300.00 in the trucks. There is money for it. He can budget with it if the Town Board is ok with it. He will gladly get it done he wants to get it done.

Councilman Nathan Thomas stated painting is defiantly better then the decals. Supt. Bradley stated decals are good for a while then they start peeling and look bad.

Councilwoman Ryan stated if you put a clear coat over it, it should last.

Councilwoman Ryan moves they go for it. Supervisor Thomas stated as he gets time to do it.

Supt. Bradley stated most of them want them done, there is one that doesn't want identification but the rest does want it and it looks nice. Supt. Bradley will continue with labeling the highway trucks. He can put stickers on the older ones, he doesn't want to waste the money on them but the other ones will be here a while 20 years and something has to be on them that will last.

Alcohol & Drug Testing Contract:

Supervisor Thomas reported on the Standard Medical Testing Services. In the past we had a contract with Saratoga Labs. However unbeknown to him Saratoga Labs is no longer in business. They usually sent the contract to the town and is his fault he forgot about it. The last time we had one was in 2009. Since they are no longer in business. He contacted Warren County to see if they put this out to bid and Standard Medical Testing Services is the one that won the Warren County bid. Supervisor Thomas stated he feels this is the town's best avenue to accomplish this. This is for alcohol and drug test of the town employees.

Urine Drug Screen \$45.00 per employee; Alcohol Breath Testing is \$21.00; DOT physical Examination is \$90.00. The contract is for one-year beginning June 1, 2012 through June 1, 2013.

096-12. A resolution was made by Supervisor Thomas seconded by Councilwoman Ryan to enter into the agreement between Standard Medical Services, LLC ("contractor"), located at 319 Bay Road, Queensbury, NY 12804 and the Town of Stony Creek ("Client").

This agreement shall be in effect from the date of execution and remain in effect for the period beginning June 1, 2012 through June 1, 2013.

The responsibilities and obligations and liabilities shall survive the term of this agreement.

This agreement may be cancelled by either party after thirty days of written notification.

Both parties to this agreement are independent contractors and nothing contained herein shall be construed to place the parties in the relationship of partners, joint venturer, principal-agent or employer-employee, and neither party shall have the power to obligate or bind the other whatsoever beyond the terms of this agreement.

Standard Medical Services, LLC. Will invoice the town for all services provided on a monthly basis. Standard Medical Services, LLC.

Will be compensated for its services as follows:

Urine Drug Screen \$45.00 per employee; Alcohol Breath Testing \$21.00 per employee

DOT physical Examination \$90.00 per employee.

Standard Medical Services, LLC. Will invoice the Client for an annual administrative fee of \$0.00 for updating and maintaining employee data in relation to random drug screening as required by the Department of Transportation (DOT).

The Provisions of this Agreement shall be construed, interpreted and governed by the substantive laws of the State of New York, including all matters of construction, validity and performance.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed as of June 19, 2012.

Discussion:

Supervisor Thomas reported that the Union Contract does have a provision for random drug testing. It isn't going to happen unless we have someone to do it for us.

Supt. Bradley asked if this is something we should be starting to do, just for the truck drivers.

Supervisor Thomas stated we have done it in the past. Supt. Bradley stated if we have a laborer that we suspect should he. He has brought three preliminary drug testing kits, they are urine sample and can be done at the shop so they are not wasting \$45.00 each shot, these are \$10.00 a piece. So that anyone he hires he can make sure they are not doing anything like that. Supervisor Thomas referred this to Attorney Cooper. Supt. Bradley asked if he can discriminate on that point alone. Attorney Cooper stated he thinks he can do it for non-employees who are seeking a job making that a condition of the application. But the rest of them there is a procedure in place and you haven't established your expertise in this field and if the union should complain because one of the employees was discharged as a result of your test he thinks we would have problems.

Supt. Bradley stated yes, exactly. The contract says they have to go through rehab and procedure. But as far as these kids they are reliable. Attorney Cooper stated you can tell them up front that they are going to have to sign an agreement to submit to this test if they want to proceed with the job application process. If they want to bug out because its an invasion of their privacy or something that is there privilege. Supt. Bradley stated he just wants to make sure he isn't overstepping and being sued for discrimination. Supervisor Thomas stated he thinks we could be sued if it was an employee. Supt. Bradley agreed. Something like that he can see spending the money for and having it done right but as far as new hires that's a lot of money \$45.00 just to see if you can work here or not, for summer help that is what he is looking at. Attorney Cooper stated he thinks he should be up front with him before they get anyway down the road on the application process. When they first show interest you inform them that part of the process is a drug test. Supt. Bradley stated it gives them time to clean up. He is going to do it but he doesn't want them just doing it and get hired and start up again. There are a couple certain people he isn't sure about that want to work and he doesn't want to discriminate and say no I don't want to hire you because he thinks so. He wants to have proof.

Attorney Cooper suggested that he have an application, some kind of written application and that they sign the application consenting to a drug and alcohol test and it doesn't indicate you will do that and word will get around the first couple times you do. Once they get their toe in the door that stops your right to test them.

He means any kind of a form of an employee or anywhere beyond the point of interview in the run of hire. Supervisor Thomas asked if there was any further discussion. If not he asked for a roll call vote.

Roll call vote, all in favor.

Union Negotiations:

Supervisor Thomas reported the employees union has contacted him and would like to re-negotiate their contract, which expires at the end of this year. The way we have done that in the past is have two or three people negotiate with the Union Representative and Shop Steward from the highway department. He is requesting one or two Council people that could make themselves available during the day either mornings or afternoons to re-negotiate a contract. Councilman Nathan Thomas stated he would be available in the afternoons but would need a couple days notice.

Supervisor Thomas stated he did make a copy of the union contract to read. We shouldn't discuss what is being negotiated in open session but would recommend to the Board that they should read the contract and if there is anything they want to change they should make it known and will see what we can do. Councilwoman Ryan stated she would be available also.

Supervisor Thomas stated he would respond to the Union representative in Albany and it maybe in July or August. It may take a while or it could take a couple meetings.

Harrisburg Road:

Supervisor Thomas stated it is the section of Harrisburg Road that continues where the State property, State Wild Forest begins. What the town is looking to do is gravel it. Supt Bradley stated yes. He is getting slack from DEC. The Town Board tells him what roads to work so if you want the road worked from the causeway in. It's a beautiful road now, the highway crew should have it finished today and final dressing it tomorrow. It's a real nice road you get to State Land. His intention as Supt. of Highways was to do White Road and a couple of other roads and that was one of them. Is own thing is, he thinks a person should be able to drive in there with there car and go to the first creek and do whatever have a picnic or whatever. There are State Trails that go everywhere. We finally received some FEMA monies from it and decided to start that. We got a section done and got stopped by DEC. They don't want the highway Dept. to do anything, we can't brush the road can't do anything. He can brush the very edges of the bank. There is a process called TRP, Temporary Revocable Permit which should have been started, which was his fault, but when you have trees hanging in the road, you still have to follow the process and do it, but there was nothing major that was done in there. So we are in the process of doing that. They are telling him he can't do anything in there. All he wants to do is gravel the road he doesn't want to do anything. He talked it over with Tate Connors from DEC and try to get it started but if they deny that. It is a town road and a town road by use. He is not familiar with it and is hoping the town will have Attorney Cooper look at it, it's on Forest Preserve he is vague on it. DEC is telling him he can't do anything on it unless they want him to do it. He doesn't think they will let him put blue stone on that road. He thinks they will want him to put what was there.

Would that be Attorney Cooper's interruption after reading what's going on or someone else we can call to find out where we stand and what we can do to the road. Do we leave the road and let it go like it's been going. The town board needs to know do you want to spend money on improving it so it's useable. It's useable now but only useable by a select few. Councilwoman Ryan stated it's already a road why can't we maintain it. Councilman Nathan Thomas asked if we receive CHIP funds for that? Supt. Bradley stated yes. It's 8/10ths of a mile is what we have, it's 1.3 miles of actually really nice road then goes 8/10ths of a mile to the fork after that is not an issue it can be graded. It's basically pines and it's not a big deal. He is trying to be diplomatic with DEC; they may let him do some work in there but if they don't which he doesn't think they will. DEC is going to need us because they do want to improve it. They want to put a bridge in there which they have to get our permission to do that on our road and take out the walk bridge that has to come out because its not made of wood or natural stuff. For example Where the fluff comes down when it was graded or bulldozed years ago we can only work where the wheels touch, we can not move it over its only 9-foot most of the road. All he wanted to do was gravel the 9-foot of road all the way in there so it's nice, crown it so the water runs off. Mr. Connors told him to specify cutting brush. He can't brush the road so he can't stop the trees from getting over three inches. It's a mess.

Supt. Bradley stated what he asked Supervisor Thomas is, we could be in a lawsuit, so do you want to leave the road alone or try to fight it and say you want to work the road. We will want and see how the permit process works out after that they say you can't do anything. The Board needs to tell him what to do. Do you want to improve the road so its useable by everybody or so you want to leave it? There is a lot of State Land that people could utilize; there is canoe access just before Moosewood's. You can go all the way into the Dog and Pup Club and utilize that. That's what there intentions are. Councilman Nathan Thomas stated it is part of the Wilcox Forest Preserve Plan he doesn't understand why they are stopping us from improving this into their Forest Plan. Supt. Bradley stated the reason they are stopping us is there is a couple of things were done outside the rum of what they wanted done. He should have filed a TRP but he didn't think he needed a TRP to maintain what we have already been doing. There was trees cut that were leaning on the road we couldn't dump the dump trucks so we cut them. We didn't go outside and cut big trees and do whatever, they were actually leaning in the road. Technically you can't do that. He is going to take the blame on that. They didn't just go in and just mow it they limbed up tree limbs anything under three inches they cut. Now they are telling him he can't brush the road. Attorney Cooper asked if he done anything beyond Moosewoods. Supt. Bradley stated no right to Moosewoods. The State is saying that we own a mile past Moosewoods. Supt. Bradley stated he guesses it was a town road always a town road?

Attorney Cooper stated he is reluctant to buy into that cliché. Supt. Bradley stated that is what they are telling him. Attorney Cooper stated this is the thing you have to understand about the State. Attorney Cooper told Supervisor Thomas he was on the Forest Preserve Advisory Committee and the State Superintendent of Lands and Forest was a committee member and one of their reacquiring complaints is they don't have enough money to maintain the roads on forest preserve so in a way, he's not saying they are running a bluff on him, we are not without leverage, if we tell them we are considering abandoning the road that puts an awful financial burden on them to keep that open and do what they are doing to pay for it. Supt. Bradley asked if they could abandon it even if Moosewood has property in there.

Attorney Cooper stated he wants to look at that we certainly can abandon that section beyond Moosewood and there might be political support in the community for that. He knows theoretically most people don't want to give up any town road to the State for obvious reasons. It's a possibility if it's a liability for us at a standpoint where you can't maintain it to a standard that you think is acceptable from a public use standpoint then maybe that is the only cards they have dealt us. He doesn't think there is a political will to abandon up to Moosewood so it maybe an epidemic question but he will look into that. You can abandon it but it's an elaborate procedure where you put the property owner on notice and they get a chance to come in and make their pitch you just can't casually tell them someday that the town is abandoning it by resolution. There is a formal process. Supervisor Thomas stated it has to come before the county too. Attorney Cooper stated he didn't know that but it stand to reason.

Supt. Bradley stated from Moosewood on we have never maintained it. His understanding is CHIPS money that where we run out and any old-timer can tell you where they stop working it and the State is telling us we own further in. Mr. Connors told and Supt. Bradley stated he has heard this that once it's a town road it doesn't matter even if you stop maintaining it, it is still public use; the public can still go in and out of it.

Attorney Cooper stated we have had this argument with a lot of private property owners and as far as his is concerned the State is no different. He has heard the expression TRP before in connection with State projects and so forth but his understanding of the law is not as you recited it or what you have been told by the State guy.

These guys can be very dogmatic and sure in their position until they are pressed to support it and say where is the code, where is the regulations, where are DEC 's regulations to support what you are saying? That is why he suggested that they have a meeting with this guy. Supt. Bradley, Supervisor Thomas and himself over here or in Warrensburg and ask him by what right do you say, in one breathe your saying it's our road and then in the next breathe you say we can't do anything on our road.

Supt. Bradley stated he was waiting to see how the TRP goes first. Attorney Cooper stated if your ok with that lets go with that. Supt Bradley stated the Town Board needs to be aware and if there is any sort of research that can be done so we know where we stand when it comes down to it. Some of the road we received FEMA money on and we have to use it. We'll be giving it back to them if we don't use the money. The State is saying you can't put blue stone in it or rubble. I need to know where we stand we will be giving FEMA money back. He doesn't think we should be waiting to long. He thinks we should have an idea where we are. They are saying first you can't cut trees above three inches, waist-high. How is it we can't brush the road. The State guy said we haven't brushed it in a year. Supt. Bradley told him they did two year ago and the guy said you haven't done it regularly. We didn't get to it last year.

Attorney Cooper stated from Supt. Bradley's account of what he says, he is saying a lot of inconsistent things. He would like to smoke him out and find out what his claim of right is for these positions, and also give him the idea that we might abandon it and it may become Region 5's problem. To come up with the money out of there operation's budget to maintain the road. Supt. Bradley stated like Councilman Nathan Thomas stated the project they are going they want canoe access in there and be snowmobile ready so the groomer can go across the bridge. So a car will be able to go across the bridge so the foot-walk would no longer exist.

So they want the road useable at some point. The State Guy mentioned to him that maybe we will trade work for improving the road for pull-offs and whatever. They wait to work with him we need you as much as you need us. That is what he is telling Supt. Bradley now but he is going to wait and see what is going to happen to the TRP.

Attorney Cooper stated it isn't a one way street he is sure there are people in this room and even on the Board that would think it would be desirable for us to facilitate their recreational objectives, it can't hurt Stony Creek that people coming through here drive out there and maybe buy something at a convenience store if that was possible. So we both have leverage on each other a little bit and next time he talk over the spill situation the regional attorney he will ask her if she could point her in the right direction. The Town of Schroon had the whole Crane Pond that was a huge deal 20 years ago with the stones of shame that was a town road that went into Crane Pond. The State claimed the right to close it. It's kind of the inverse of this situation. They may have something. The whole highway law is kind of aquatinted it has different spins on it.

Attorney Cooper told Supt Bradley to fair the guy out of where he is going with the TRP and he will talk to the Regional Attorney and see what she has to say. Supt. Bradley stated if the board has any objections about him doing anything in there, they are the ones to tell him what roads to work, it wouldn't take much to do what they have to do, its very narrow its not going to take as much as what they have done in there now. If anyone has any objections they need to let him know.

Attorney Cooper stated there are numerous examples of highly engineered dirt roads that run into wilderness areas or at lease from the boundaries of wilderness areas, like the road that goes into Pillsbury Mountain the Town of Arietta owns it. A very highly engineered road it was IP road at one time and then continues on to Pillsbury Lake.

The fact the road is there isn't intrusive thing in of itself. You making it a passable thing they shouldn't complain about. We have a plan let's follow it up.

Supt Bradley asked if he would be liable or the town, like the fork, the crossing. If someone comes to him and they have to tell the Town Clerk he has so many days to respond and fix it. Someone hurts there vehicle in there is the town liable to fix their vehicle? There are different classes of road. If there is pot holes you call the State once its been reported and it hasn't been fixed within 24-48 hours the next guy hits it, he is suing and getting his car fixed. Councilwoman Ryan asked if he could put a rough road sign up on it or something. Supt. Bradley stated what would cover us just in case it happens. Who knows what will happen. Attorney Cooper stated he is not familiar with any 24-48 hour repair rule. Generally speaking when you give a municipality a notice of a defect of a highway or sidewalk it's only a predicate to the right to sue later on if something happens there. They still have to file a notice of claim and go through the whole procedure you follow when you sue a municipality. We have an insurance policy.

Supt. Bradley stated he is going to wait for the TRP and will let the board know.

Supervisor Thomas stated it sounds like there is little room for negotiation there. Supt. Bradley stated he's hoping so from what he said today. Supervisor Thomas stated he thinks people should, its state land and people should be able to get to it.

Councilwoman Ryan agreed it's a town road they should be able to maintain it.

Councilman Nathan Thomas stated how many other miles of road do we maintain through State Land. Lens Lake Road is pretty much State Land on both sides for quite a ways in through.

Other roads in town are surrounded by State Land. Supt. Bradley stated they are pretty much existing. We don't have to do too much with them.

The Town of Thurman ran into that problem into West Stony Creek. He got fined a little bit it wasn't too bad. Now it is what it is. He thinks what they are looking at is they don't want that to happen. That's why they are drawing the lines. They have a mess in there and that got them mad.

Attorney Cooper asked if he was the Superintendent when the highway dept shaved down the brim at Lens Lake and it drained out into the road. Supt Bradley stated no it was Zack. Attorney Cooper stated they got all exercised over that. Maybe if we let them push us around then they figure they will push us around again. Supt. Bradley stated, so you are aware of some leverage we might have. The way Mr. Connor was talking you can't do this you can't do that. Supt. Bradley assumption was we can at least work what we have.

Attorney Cooper asked who the guy was he was talking to and his title. Supt. Bradley stated Tate Connors, He is the guy who issues tickets, he can sway things either way. Attorney Cooper stated he's not the Forest Ranger? Supt. Bradley stated no, he doesn't think he has anything to do with it. What opened up all this stuff up was Region 5 guys were going in there to do this 10-year plan and just saw what he was doing. Attorney cooper stated he was going to ask who ratted you out generally they don't find these things out. Supt. Bradley stated that's what happened we were doing what we did. They went in they had engineers going to look at the bridges they are going to redo to see how they were going to do them. When we were doing up to the towns section there happened to be a Region 5 guy in there and that's what opened it up or they probably wouldn't have heard a word about it. Attorney Cooper stated you probably had a handful of guys trying to converse each other. One was more excited about this then the other greater champion of the environment then the other four or whatever so it gets to be an enforcing nonsense. Attorney Cooper will see what he can find our and let him know.

Budget Transfers:

097-12. A resolution was made by Supervisor Thomas seconded by Councilman Gill authorizing the following budget transfer:

Debit DA2680 Insurance Recovery in the amount of \$32,834.00.

Credit DA5130.2 Machinery Equipment in the amount of \$32,834.00.

Roll call vote, all in favor.

098-12. A resolution was made by Councilman Gill seconded by Councilwoman Ryan authorizing the following budget transfer:

Debit DA5110.1 General Repairs Personal Services in the amount of \$381.15.

Credit DA8760.47.1 Harrisburg Road Personal Services in the amount of \$381.15

Roll call vote, all in favor.

099-12. A resolution was made by Councilman Nathan Thomas seconded by Councilwoman Ryan authorizing the following budget transfer:

Debit DA8760.47 Harrisburg Road in the amount of \$19,071.46.

Credit DA8760.47.1 Harrisburg Road Personal Services in the amount of \$19,071.46

Roll call vote, all in favor.

100-12. A resolution was made by Councilwoman Ryan seconded by Councilman Gill authorizing the following budget transfer:

Debit DA5110.4 General Repair in the amount of \$7576.12.

Credit DA8760.47 Harrisburg Road in the amount of \$7576.12.

Roll call vote, all in favor.

101-12. A resolution was made by Councilwoman Ryan seconded by Councilman Gill authorizing the following budget transfer:

Debit DA5120.4 Bridges in the amount of \$10,000.00

Debit DA5140.4 Brush and Weeds in the amount of \$2201.75

Credit DA8760.49 Grist Mill Rd., Tucker Rd., Etc. in the amount of \$12,201.75.

Roll call vote, all in favor.

102-12. A resolution was made by Councilman Nathan Thomas seconded by Councilwoman Ryan authorizing the following budget transfer:

Debit DA5140.4 Brush & Weeds in the amount of \$1798.25.

Debit DA5130.4 Machinery Equipment in the amount of \$3265.30

Credit DA8760.48 States Rd. and Snow Rd. in the amount of \$5063.55.

Roll call vote, all in favor.

103-12. A resolution was made by Councilman Gill seconded by Councilwoman Ryan authorizing the following budget transfer:

Debit A6410.4 Occupancy Tax in the amount of \$5000.00.

Credit A7180.1 Special Recreation Facility Personal Services in the amount of \$4000.00

Credit A7180.4 Special Recreation Facility Personal Services in the amount of \$1000.00

Roll call vote, all in favor.

104-12. A resolution was made by Councilwoman Ryan seconded by Councilman Nathan Thomas authorizing the following budget transfer:

Debit General Fund Balance in the amount of \$4000.00.

Credit A8020.4 Planning in the amount of \$4000.00

Roll call vote, all favor.

105-12. A resolution was made by Councilwoman Ryan seconded by Councilman Gill authorizing the following budget transfer:

Debit A1990.4 Contingent in the amount of \$32.96

Credit A1410.4 Town Clerk Contractual in the amount of \$32.96

Roll call vote, all in favor.

From the floor:

A motion was made by Councilman Gill seconded by Councilwoman Ryan to adjourn the meeting at 8:19 PM. All in favor, motion carried.

Respectfully submitted,

Susan Harrington
Town Clerk