

August 21,2012 Regular Meeting

The regular Town Board meeting of the Town of Stony Creek was held on August 21, 2012.

Supervisor Frank 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

July 19, 2012 minutes:

Corrections: Page 201-change the violation fine from \$27,000.00 to \$29,300.00.

Page 202 TRP (Temporary Revocable Permit)

A motion was made by Councilman Gill seconded by Councilwoman Ryan to accept the July 19, 2012 minutes with these corrections. All in favor, motion carried.

112-12. A resolution was made by Councilman Gill seconded by Councilman Nathan Thomas to pay the General Fund bills in the amount of \$14,986.00. Roll call vote, all in favor.

113-12. A resolution was made by Councilwoman Ryan seconded by Councilman Gill to pay the Highway Fund bills in the amount of \$44,787.13. Roll call vote, all in favor.

Town Clerk report:

|                                   |               |
|-----------------------------------|---------------|
| Conservation Licenses             | \$ 2.43       |
| Death Copy                        | 10.00         |
| Marriage license                  | <u>35.00</u>  |
| Total Town Clerk fees             | 47.43         |
| Dog Licenses                      | <u>100.00</u> |
| Total town revenues to Supervisor | 147.43        |
| NYS Ag and Markets                | 20.00         |
| NYS Dept. of Health               | 45.00         |
| NYS Dept of EnCon                 | <u>41.57</u>  |
| Total disbursed                   | \$254.00      |

Correspondence:

Dog Control report-July 2012

Double H Ranch-3<sup>rd</sup> Annual Camp Challenge Ride- requesting approval to host a charity cycling event which will pass through roads in the Town of Stony Creek Saturday September 8, 2012, also a form to be filled out conveying the towns approval so they may secure a State Highway Use Permit.

1000 Acres Ranch Resort- requesting \$5000.00 in Bed Tax funds to defray the advertising/production expense of the 2012 Summer Rodeo Program.

Stony Creek Chamber of Commerce-requesting \$5800.00 of Occupancy Tax funds to support the "Fall in the Creek Festival".

Agreement between the town's Dog Control Officer, Maxine Zwartkay and the Town of Stony Creek to hold any captured or seized dogs at her residence.

John Studer- asking to be re-appointed on the Board of Assessment Review.  
Tavern 16-renewing their liquor license.

114-12. A resolution was made by Supervisor Thomas seconded by Councilwoman Ryan to re-appoint John Studer of 600 Harrisburg Road Stony Creek, NY on the Board of Assessment Review. Mr. Studer's term will expire September 30, 2017. Roll call vote, all in favor.

Supervisor Thomas reported that there is one vacancy on the Board of Assessment Review that needs to be filled.

Old Business:

Highway; DEC Order on Consent:

Supervisor Thomas reported he has not signed the order yet, it's still being worked on. The Engineer Mr. Suozzo was here and brought the test results and plans for the bulk storage tanks for the floor drains in the new garage. He also indicated that he would be willing to look over the compliance requirement for the bulk storage tanks to make sure we come into compliance. Attorney Cooper stated he would tell the Board that we had expected to come to a final composed order by tonight's meeting. We just got under the wire the paperwork came into his office this afternoon from Michele Crew the State Attorney. The delay was in the negotiations. We had more e-mails than you would want to read with Michele and himself and the alternate product he is pleased with. The big concern that was expressed last month by the Supervisor was that if we commented to some technical violation with regard to the TRP's for instance, that wouldn't trigger the \$29,000.00 penalty that's being held in suspension. We argued about what road was routine because the prior version with the order required to get a TRP for virtually anything and the product he got today, that he scanned, he didn't read every word, he has seen it before and thinks he can pick out what is new and she did key the penalties to those provisions of the law that relates to bulk storage of oil and discharge of water into the state waterways which included ground water so none of the TRP regulations would trigger the larger penalty. It's something that was important to Supervisor Thomas. He said he wouldn't sign the order if they did, so that was very favorable and also as a result of her she said the order would provide that we would get a TRP for non-work on Forest Preserve from the Highway Dept. The term non-routine is which includes major projects. Such as re-surfacing, cutting brush, and/or trees that are located outside the ditches, new ditches, construction, replacement of culverts or other similar work, removal of down trees in travel lanes. We are not required TRP's work within the ditch lines like grading and pothole filling. This will be considered routine and not subject to the requirement to obtain a TRP.

So this gives Supt. Bradley something to work with, with the guy in Warrensburg. Attorney Cooper is pleased. The only hang-fired aspect of this, which Supervisor Thomas needs to get on right away is, they want us to put together a schedule and budget before the disability signage on the Dean Farm Project. That aspect of it and Supervisor Thomas said rather than wait the 60 days that they want us to do that, he would want to get on it and see if we can get it done and send it back with the signed order. That's where we are with that. Attorney Cooper stated he thinks all in all as much as the nuisance of the thing was we came out of it fairly clean.

The fine is fairly small that we will actually have to pay and we got them to take some of the edge off of the order and eliminate some of the vagueness that would have been a trap for the town. Overall he thinks it a good outcome.

Supervisor Thomas stated he would like to get the schedule put together and give it to them and get it done because cold weather will be coming and will have to get the storage tanks in the ground and get things cleaned up and squared away before it starts snowing.

FEMA:

Reimbursement funds:

Supervisor Thomas stated to date the town has received five payments of \$126,482.42 also another payment was received in February in the amount of \$25,441.50, for a total of \$151,923.92.

From the worksheet folders the total Supervisor Thomas came up with was \$211,560.23 and if you subtract what was received that leaves \$59,636.31 outstanding. There was one large project that the town doesn't get paid for until the project is complete that was for \$71,279.59. So he would assume that they paid the town \$11,643.00 for the large project. The total amount expended is \$25,441.00, which was put in the budget for Harrisburg Road and also an additional \$30,729.00. Take the \$30,729.00 off the \$126,482.48 it leaves \$95,752.74 in revenue and it would be his recommendation that the money stay there to cover the deficit that we ran last year and also cover the unexpended and that leaves us with \$23,295.00 as a fund balance. There are some budget adjustments that he proposed they be made and one is to take \$24,841.42 and put back in to the .4's of the Highway Budget that we took out to cover expenses from the Spring.

115-12. A resolution was made by Supervisor Thomas seconded by Councilman Gill authorizing the following FEMA Reimbursement-Highway Fund Budget:

Debit DA4960 FEMA in the amount of \$24,841.42.

Credit DA5130.4 Machinery Equipment in the amount of \$3,265.30.

Credit DA5110.4 General Repairs in the amount of \$7,576.12.

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

Credit DA5140.4 Brush and Weeds in the amount of \$4,000.00.

Roll call vote, all in favor.

Supervisor Thomas stated on the consolidated statement of revenues under FEMA projects there are amounts that are over and need to bring them to zero.

116-12. A resolution was made by Supervisor Thomas seconded by Councilwoman Ryan authorizing the following FEMA Reimbursement-Highway Fund Revenue Budget:

Debit DA4960 FEMA in the amount of \$5888.26.

Credit DA8760.48 State and Snow Roads in the amount of \$1,500.40.

Credit DA8760.49 Grist Mill, Tucker and Etc. Roads in the amount of \$2,250.60.

Credit DA8760.43 Fodder Road in the amount of \$1,500.40.

Credit DA8760.42 East States Road in the amount of \$636.86.

Roll call vote, all in favor.

Supervisor Thomas reported the remainder of the Revenue will be placed in the Fund Balance to cover the deficit. Councilwoman Ryan agreed and stated it would give us a balance. Councilman Nathan Thomas agreed and stated it would cover the deficit.

Supervisor Thomas asked Supt. Bradley if they were going to do the ford (water crossing) Supt Bradley stated he still has to contact Mark Migliori from DEC, to make sure everything is ok and its up to the Board if they want to have another conversation with the attorney if they are going to do something with that or just go ahead and fix it, do you want to work with them or just go ahead and fix it.

Supervisor Thomas stated yes they did talk about a bridge or something there.

Supt. Bradley stated they wanted him to hold off until they got things situated. He will proceed and see if he can get an ok to do it.

Attorney Cooper stated Supt. Bradley will need a TRP that's a new project. He doesn't think he can get around that. Supt. Bradley stated the guy hasn't returned his calls but will start the TRP process. The State wants to do something different in there so they wanted him to hold off with anything to do with that work until we come to some sort of agreement they want in there.

Supt. Bradley will double check and get back to the board.

Supt. Bradley asked about the large project. The paperwork was submitted and just waiting for the money right? Supervisor Thomas stated some of it was completed. Supt. Bradley stated is there something that is not completed he doesn't know. Supervisor Thomas stated it's the ford.

Supt. Bradley stated that was separate ok.

Supervisor Thomas stated there were a couple of roads in there that they haven't paid the town for all of it.

#### Committee Reports:

Councilwoman Ryan stated it's not a committee but everything is coming along the car show. They got sponsorships, trophies, raffle items and gift items.

Supervisor Thomas asked if this was moved to September 1<sup>st</sup>. Councilwoman Ryan stated yes.

#### Francis Dean Heritage Trails:

Supervisor Thomas reported the lumber was purchased and delivered. The bills were sent directly to Warren County and that will be part of the reimbursement. The County will pay Curtis directly.

#### NYS Retirement:

Supervisor Thomas received the estimate cost. It's increased from 15.6% of payroll to 18.4%. The amount is going up from \$80,382.00 to \$107,316.00. An increase of approximately \$25,000.00, which is a little over 30% increase

#### Landfill/Recycling Center:

Supervisor Thomas reported Waste Management has re-imbursed the town for newspaper and magazines in the amount of \$811.00.

#### Recreation Field:

Supervisor Thomas contacted Soil and Water on getting their advice and help on how to clean up the gravel deposit at the beach and also to dig the beach deeper. Hopefully in September with the Highways help we will get that done.

#### New Business:

Briana Canty representative from the NYS Deferred Compensation Plan did a little presentation on the compensation plan for the town employees.

Ms. Canty stated it's the State Employees Supplement Retirement Plan; so all State Employees will have this Plan if they choose to roll in it. Warren Saratoga, Washington County, all the Counties have it as well but local town and villages, not all have this plan to offer to their employees. The State makes her come out and do a presentation to the board to adopt this benefit, its free. It doesn't cost the town anything. There are no minimum participation requirements. So once you sign the resolution and its passed, then if anyone does choose to enroll in this benefit she takes over. She does the work, she enrolls them the only additional thing the town would need to do is deduct the funds. If someone enrolls and wanted to put away 2% who ever does the payroll would have to that, the same way they do the contribution to the NYS Retirement System. They are separate from the NYS Retirement System. There is no fiduciary responsibility. The State takes over everything, the auditing, contribution limits, to make sure no one exceeds or goes above the limits that are allowed. There is a help line that is staffed by licensed staff members Monday-Friday 8:00 AM-11:00 PM Saturday 9:00 Am-6:00 PM for people who enroll in this plan to answer any questions or help them with their account to make changes or what not. The hard part of the town is to deduct the money and the State takes over from there. This is a State Agency-NYS Deferred Compensation Board.

Attorney Cooper asked if this is like a payroll savings plan.

Ms. Canty stated it's called a 457B. It's like a 401K, 403B. Same thing you take money supplement to your retirement and put it away. If your in certain incomes the government actually gives you credit, a tax savers credit to put money away because they know a lot of the pensions and Social Security are being reduced so if you fall in certain tax brackets its not only a retirement but also a tax saving plan. The money comes out of your paycheck before taxes so if you made \$20,000.00 in a year and put \$1000.00 in Deferred Comp. the IRS only sees your making \$19,000.00. So it helps get a bigger refund or not owe as much or get a tax credit. It's very similar to 401K.

Supervisor Thomas asked if there was a minimum. Ms. Canty stated there is no minimum participation, there is a minimum of dollar amount of \$10.00 or 1%. That's generally what people start at and it can change at anytime through her.

Supervisor Thomas asked if this occurs interest. Ms. Canty stated it depends on what investments your in. If your in the Stable Income Fund it does occur interest, it is 2.4%, more then a bank but its not a whole lot and if you go in the Stock Market then it depends on what your investments do. Once the employees enroll they get to choose after meeting with her, which one they want, Stock Market, Non-Stock Market or a combination.

Ms. Canty asked the board to pass the resolution and let her know on what they decide. Supervisor Thomas asked the Board if this is something they want to act on or look it over for a month and read it over.

There is a resolution provided, which Supervisor Thomas read the Whereas. Attorney Cooper asked if the employees included Elected Officials. Ms. Canty stated yes.

Councilwoman Ryan asked how long it would carry if someone got out of office, is it something they can keep?

Ms. Canty stated they can't contribute more money unless they work for another public entity, Town, Village, County whatever. They can leave the money there and take it out when they need it or roll it over into another retirement plan.

Supervisor Thomas asked if there is any penalty for early.

Ms. Canty stated no, the reason being is State Troopers, Correction Officers, Police Officers retire in their 40's so there is no age limit when you can access your money. So there is no penalty that states you can access your money when you separate from your employer you had it with.

117-12. A resolution was made by Supervisor Thomas seconded by Councilwoman Ryan for the Adoption of the New York State Deferred Compensation Plan

WHEREAS, the Town of Stony Creek wishes to adopt the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions (the "Plan") For voluntary participation of all eligible employees; and

WHEREAS, the Town of Stony Creek is a local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law\* and

WHEREAS, the Town of Stony Creek has reviewed the Plan established in accordance with Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law of the State of New York; and

WHEREAS, the purpose of the Plan is to encourage employees to make and continue careers with the Town of Stony Creek by providing eligible employees with a convenient and tax-favored method of saving on a regular and long-term basis and thereby provide for their retirement; NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the Town of Stony Creek hereby adopts the Plan for the voluntary participation of all eligible employees; and it is further

RESOLVED, that the appropriate officials of the Town of Stony Creek are hereby authorized to take such actions and enter such agreements as are required or necessary for the adoption, implementation, and maintenance of the Plan; and it is further

RESOLVED, that the Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission

Adopted the 21<sup>st</sup>, day of August 2012 at a meeting of the Stony Creek Town Board.

I hereby certify that the Town of Stony Creek is a local public employer within the meaning of Section 5 of the State Finance Law and that the adoption of the Plan has received all required approvals of any local governing body or officer and otherwise complies with local law.

Witnesseth by:

Town of Stony Creek

BY: \_\_\_\_\_

\* A local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law includes: a county, City, town, village or other political subdivision as defined in Section 131 of the retirement and Social Security law or civil division of the State; a school district or other governmental entity operating a public school, college, or university; a public improvement or special district, a public authority, commission, or public benefit corporation; or any other public corporation agency or instrumentality or unit of government which exercises governmental powers under the laws of the State.

Roll call vote, all in favor.

Occupancy Bed Tax request:

1000 Acres Ranch requesting \$5000.00 for the 2012 Summer Rodeo program

Stony Creek Chamber of Commerce: requesting \$5800.00 to support the "Fall in the Creek Festival" Supervisor Thomas stated this would be held on October 13<sup>th</sup> and also their budget is attached.

118-12. A resolution was made by Councilwoman Ryan seconded by Councilman Gill authorizing the expenditure of bed tax funds to 1000 Acres Ranch in the amount of \$5000.00 to be used for advertising/production expense of the 2012 Summer Rodeo Program, with the stipulation that a link be put on their website for the Town of Stony Creek and Stony Creek Chamber of Commerce. Roll call vote, all in favor.

119-12. A resolution was made by Councilman Nathan Thomas seconded by Councilwoman Ryan Authorizing the expenditure of bed tax funds in the amount of \$5800.00 to the Stony Creek Chamber of Commerce to support the "Fall in the Creek Festival". Roll call vote, all in favor. Councilwoman Ryan stated the last one they had seemed to be a success.

Hidden Drive Sign:

Supervisor Thomas stated it seems someone is asking for a sign for their driveway, that is the note he got to put on the agenda and he doesn't know whose driveway it is or anything about it. Supt. Bradley stated its on Roaring Branch Road. The Town Clerk stated it was just above Dick Malone's property and the school bus stops there also. Supervisor Thomas stated the trailer. Supt Bradley stated yes and he is referring all signs to the board. Supervisor Thomas stated he doesn't see any problems with it; do we need two signs one for each side? Councilwoman Ryan asked if mail gets delivered there. Councilman Nathan Thomas stated yes, its opposite Mary Winslow's and stated you should just cut some brush. If they can't see you pull out there he doesn't know what a hidden driveway sign is going to do to reduce traffic flow. Supt. Bradley stated no sign is going to do anything. It just makes them happy. Councilman Nathan Thomas stated its more then an eighth of a mile up the road. Your coming from a stop at the four-corners how fast can you being going before you get there. Councilwoman Ryan asked if this driveway has a name. Councilman Nathan Thomas stated no its just a driveway down in a dip. There is a lot of brush there; their mailbox is up near Mr. and Mrs. Beelers house. Supt. Bradley stated you have to be careful when you start asking for signs. You know what's going to happen, he doesn't have a problem doing it.

Councilman Nathan Thomas stated he knows, he just wonders what's the benefit of it other than the request. Supervisor Thomas stated maybe we should wait a month and go look at it. Supt. Bradley stated he thinks they are worried about the traffic going pretty fast, they're not worried with site distance getting out. They're worried about traffic flying by their place. He can look at it and see if its something they can cut the brush back and improve that. We did cut that back four-five years ago.

John O'Neill stated you also said the school bus stops there right? Would it be better to have a like a school bus stop ahead or children at play, something like that rather than hidden driveway so you not catering to every driveway that has brush around it. Perhaps its what the sign says that's the issue. If it's a school bus stop then maybe the school will put it up. Supt. Bradley stated he gets more requests for slow signs. Supervisor Thomas stated now that we know where it is we'll look at it.

Seth Mountain Private Road sign:

Supervisor Thomas stated he got a note that the Seth Mountain Private Road sign was stolen. This is the sign he believes goes to Carl Thomas's driveway. Supt. Bradley stated yes.

Supervisor Thomas stated he thinks Carl Thomas was curious if the town was going to buy another one. Supervisor Thomas stated his feelings are we buy the first Private Road Sign, kind of like a courtesy because we asked him to put it up for 911. He thinks after that its up to the person that has the Private Road. This is his feelings, he doesn't know about the other board members.

Councilman Nathan Thomas stated they use that as a cross street on 911 but there are no house numbers. When they had calls at Lorna Blanchard's they use Thurman Town Line and Seth Mountain as cross streets. That's the county dispatch point.

Supervisor Thomas stated that's his opinion, you do what you want to do. Supervisor Thomas asked if there were any other suggestions and asked if they should buy another sign. We do buy for everyone that request Private Road Signs, we have in the past but don't recall buying two. Councilman Nathan Thomas asked if anyone looked to see if it fell off. Supt. Bradley stated Carl Thomas said he did. Supt. Bradley asked if we only buy them for people that have driveways that have some distances that are out of sight. We're not buying them as a driveway right? Supervisor Thomas stated right, it's usually connected with Peter LaGrasse (Assessor) and if he assigns a 911 address, the Sheriff's Dept. will request it. Its an accommodation to Peter so if they get a 911 call. Supt. Bradley stated he is saying something like his house, he's not asking for one, but he is saying if he wanted one put there he could put one there if he asked to. Councilman Nathan Thomas stated if you decide to make the road between him and Stanley a Private Drive or something you would ok that with Peter therefore it would be a road, its kind of like all the roads into Harrisburg.

Councilwoman Ryan asked if it was just the sign or the whole pole. Supt. Bradley stated he thinks he said the whole thing was gone. Supervisor Thomas stated he thinks he saw the pole there today and also the bracket to hold the sign. Supt. Bradley stated Carl Thomas called him and told him and Supt. Bradley stated he would refer it to the Board.

Councilman Gill asked how much the sign is. Supervisor Thomas stated an estimated guess would be \$30-\$40.00. Councilman Gill stated maybe you should buy one and have a stipulation on it. We buy so many and that's it.

Supt. Bradley stated if he wants to pay for it or something like that he can call Adirondack Highway and have it made. He could coordinate something like that and help him out a little bit. He is sure he doesn't know where to get it made. If he wants to reimburse the town or buy it from them he can take care of getting it made that's up to the Board.

120-12. A resolution was made by Councilwoman Ryan seconded by Councilman Gill to purchase a Seth Mountain Private Road Sign with the stipulation that the town will buy the first one and then it will be up to the landowner to purchase any others. Roll call vote, Councilman Gill-Yes, Councilman Nathan Thomas-Yes, Councilwoman Ryan-Yes, Supervisor Thomas-No.

Councilman Nathan Thomas stated the VanAuken Road Sign is also missing and been missing since the wash. Supt. Bradley stated he forgot about that one, its been gone since the washout and he will look into this.

Double H Ranch request:

121-12. A resolution was made by Supervisor Thomas seconded by Councilwoman Ryan authorizing the Double H Ranch to host a cycling event that will pass through roads in the Town of Stony Creek and authorizing the form to be filled out conveying the towns approval so they may secure a state highway use permit. Roll call vote, all in favor.

Dog Control: Agreement

Supervisor Thomas reported that NYS Agriculture and Markets did an inspection of the Dog Control Officer, as they do every year and they came back with an unsatisfactory finding on their inspection. Their main concern is there is no written agreement between the Town of Stony Creek and the Dog Control Officer, Maxine Zwartkay's home to hold dogs for the redemption period. Supervisor Thomas drafted a little copy of an agreement with the Town of Stony Creek and Town of Stony Creek Dog Control Officer to hold any captured or seized dogs at her residence on 316 States Road in Stony Creek, for the redemption period in compliance with Article 7 of the Agriculture and Markets Law of New York. Proper equipment and supplies will be provided by the town as necessary. Supervisor Thomas stated which we have been doing every year and they have been inspecting every year since she has been Dog Control Officer for about six years. He doesn't know what the problem is here this year.

122-12. A resolution was made Councilman Nathan Thomas seconded by Councilwoman Ryan The Town of Stony Creek authorizes the town's Dog Control Officer, Maxine Zwartkay, to hold any captured or seized dogs at her residence on 316 States Road in Stony Creek, for the redemption period in compliance with Article 7 of the Agriculture and Markets Law of New York. Proper equipment and supplies will be provided by the town as necessary.

Discussion:

Supervisor Thomas stated before we vote on it, he will ask Attorney Cooper if he thinks it would past muster with them. Attorney Cooper stated he would need a month to figure that out and report back to the Board but it looks ok, its superficial. If you send it to the State and they don't accept it we will find out.

Supervisor Thomas stated they are going to come back and re-inspect. Attorney Cooper stated that's one way we'll find out.

Councilwoman Ryan asked if she has kennels and everything Supervisor Thomas stated yes, she has cages, doghouses and leashes.

Attorney Cooper stated he is not familiar with that provision of the Agriculture and Markets law off the top of his head. Supervisor Thomas asked for roll call vote, all in favor.

Supervisor Thomas stated until they tell us differently we'll give it a try. Like he said he doesn't understand why they come here and inspect every year and all of a sudden there is a problem with the same thing we have been doing five-six years in a roll.

Councilwoman Ryan stated probably a different person doing the inspection. Supervisor Thomas stated he thinks it's the same person. Attorney Cooper stated when the State gets done looking over our shoulder we will be a model Local Government.

Supervisor Thomas stated yes, they should probably get right up here, they can run the town that's what they are trying to do anyways. They have looked at every crack and crevices here.

Lori Wren request of the old Welcome to Stony Creek sign:

Supervisor Thomas reported during Mountain Festival Lori Wren, one of our residents spoke to him about a sign that's at the transfer station. It's the sign that was the entrance of the town before the signs we have now. She was interested in acquiring the sign unless we have another use for it. It has been sitting by the building down there for at least 15 years. Councilwoman Ryan asked what she wanted to do with it. Supervisor Thomas stated he thinks she wants to hang it up on her barn. She did say it would stay out back so on one would see it. Its up to us, we can't just give it to her we would have to declare it surplus and charge her a dollar for it.

Councilman Gill stated we aren't using it. He doesn't see why not. Supervisor Thomas stated it has been just sitting there. Attorney Cooper stated he agrees with everything you say. The important thing is it be given to her under the proviso that it be out of public view because we don't want attention for confusion. Supervisor Thomas stated she did say she would make sure it was out back. It wouldn't be viewed from the highway.

123-12. A resolution was made by Supervisor Thomas seconded by Councilman Gill declaring the Town of Stony Creek sign at the landfill as surplus material and sells it to Lori Wren for \$1.00 with the stipulation that it be placed out of site from the highway at her residence. Roll call vote, all in favor.

Meals on Wheels:

Councilman Gill stated he has been approached about Meals on Wheels for the town. He knows we don't have anyone to go get it. You would have to get a volunteer to do it right? Supervisor Thomas stated it would be the best option. Councilman Gill asked if this could be put like an ad in the paper to see if we could get someone. Supervisor Thomas stated we sure can. Councilman Gill stated a couple people maybe. There are a lot of people in town that would benefit from it and he would like to see it here, they will get mileage. Supervisor Thomas stated 5½ a mile, five days a week. They have the meals ready about 11:30 AM-12:00 PM. Councilwoman Ryan asked where they would have to pick them up, where the site is.

Supervisor Thomas stated probably Luzerne, it's the closest, and they can get them in Warrensburg too. Councilman Gill stated he thinks its something that should be pursued. Supervisor Thomas stated Office of the Aging did indicate to him that if we have trouble finding someone, if we could find someone to go over once a week they could get one hot meal and provide the other four frozen, that is an option also. As soon as we can find someone that would be willing to do that, even if its 2-3 people, someone can take Monday and Tuesday, something like that.

Budget adjustment:

124-12. A resolution was made by Supervisor Thomas seconded by Councilman Gill authorizing the following budget transfer:

Debit Fund Balance in the amount of \$20,000.00

Credit A7180.1 Special Recreation Facility Personal Services in the amount of \$12,000.00

Credit A7180.4 Special Recreation Facility Contractual in the amount of \$8,000.00

Roll call vote, all in favor.

Hamlet Plan:

Supervisor Thomas reported he has had a request from a couple of people for copies of the Hamlet Plan that we had put together by LaBerge. He went to a printer and had them price it out and they wanted \$41.00 a copy. So they decided that they would print it here and they brought a binder, it was in the General Fund bills. They can produce them for about \$10.00 a piece. What he is trying to say is that are available. One person brought six of them and there was another person asking about them. Anyone that wants to spend \$10.00 to acquire one, they have copies available and they can print them out here too.

From the Floor:

Anna and Ernie Randall were present to discuss the dust problem.

Anna Randal asked if the board knew what happened at her house last Wednesday?

One Board member stated he didn't know.

The highway took and blew dust into her home with a sweeper, with no water, covered her home inside and outside of her home and she has a doctors note saying she can not stay there. It's inside her home; she means it's covered. Ernest Randall stated he would speak for here.

Thursday prior to the lawn sale (town-wide garage sale). They tore a bunch of pavement in front of the old highway garage and commenced in taking a broom and running it across the dirt and blowing it on the barn, inside and outside the barn, the house is covered, the kids toys, the lawn. If you want to see what he is talking about have one of the town guys drop the broom and run it across. You can't picture it unless you see it. This cloud was bigger then the barn it came across the whole yard. We have a pregnant girl and we have little kids out in the yard playing and they had to leave the yard because they couldn't breathe. He spoke to Supervisor Thomas and he said if we had a problem to write a letter to the Town Board. We did that but before we could get the letter to the Town Board they commenced to do it again on Wednesday morning on the 8<sup>th</sup>. That was in front of the Town Garage and when they did that it was at 7:30 in the morning. We were still sleeping and we sort of woke up to it coming in to our home. We had the fan in the window and it looked like the house was on fire.

He looked outside to see what was going on and ran over to stop the gentleman that was doing it and when he returned to the house Anna couldn't breathe and we had to call the squad because she was having an asthma attack. Now you know what happened.

Mr. Randall asked if the Board had any clue of what would be in the dirt down back in front of the garage, as for degreaser, containments of any sort like that?

Supt. Bradley stated he could speak for that, absolutely none.

Mr. Randall stated none? Ok. Supt. Bradley stated none.

Mr. Randall asked if the Board was going to take responsibility for the town workers actions that caused this incident? Supervisor Thomas stated responsibility?

Mr. Randall stated with cleaning it. Supervisor Thomas stated yes we created the cloud. Mr. Randall stated he means putting it in the house and all through the house. Under the rook, cracks and the siding. Councilwoman Ryan stated she doesn't think it was intentionally done. Mr. Randall stated this wasn't a normal dust cloud, like he said if you want to see what it is, go down back have the guy drop the broom. All the Town Board members go down stand there and breathe that. He doesn't believe anyone on the Town Board would like to do that would you?

Mr. Randall stated you believe you are responsibly for that happened? No notification, you come over and say we are going to be blowing a lot of dust your way today you may want to roll up your windows so it doesn't blow in your house that would have been awesome. Right now we would be staying in our house instead of a 1967 camper for the last two weeks because the doctors put her out of the house and doesn't want her living there until it has been properly cleaned.

Supt. Bradley stated he isn't going to start anything he just wants to point out a couple of things if its all right, if not he won't, Supervisor Thomas stated go ahead. Supt. Bradley stated the dust cloud here (in front of the old garage) was probably a little heavy, he didn't catch it until he was all done with it. They should have known better. But the one in front of the new garage was damp from washing the trucks the day before; he wasn't here at that point. Mr. Randall stated you are saying you're washing your trucks out there then. Supt. Bradley stated absolutely, Mr. Randall stated ok. Supt. Bradley stated absolutely.

Attorney Cooper asked Supt. Bradley to explain why his workers were doing the brushing because that hasn't been indicated yet. Supt. Bradley stated the sweeping? It keeps the dirt from going in the garage, in turn of washing the floors down. It was wet, damp there was puddles in it, he didn't see a dust cloud. The driver on the broom could have put some more water down absolutely. He did talk to the next neighbor, which is 75 feet away from Mr. and Mrs. Randall and it never touched his house. Mr. Randall stated the cloud never touched his house it went into ours. It was the right direction the wind was blowing.

Supt. Bradley stated he never had an issue with Leroy Bills; He talked to Leroy about it.

Mr. Randall stated it's been 20 years and never had an issue with the town. Supt. Bradley stated hold on a minute, did you call last winter, the Sheriff's Dept. because there was a drunk loader operator scraping blacktop. Mr. Randall stated yes. 3:00 in the morning there was one-inch of slush on the ground. Supervisor Thomas stated ok lets get back to the issue at hand here. Supt. Bradley stated he has to give you a little bit of what's going on here. We cut limbs out here so the trucks won't get hit with the limbs and Mrs. Randall came out screaming, we can't cut the limbs. They are on Town property. Supervisor Thomas was there. Mr. Randall stated you were going to cut the apple trees.

Supt. Bradley stated we are cutting anything on our property. Mr. Randall stated you owned that tree why didn't you trim it when you owned it? Supt. Bradley stated anything on our side of the fence.

Mr. Randall stated you did own that tree. We just brought that land. Supt. Bradley stated the town also bent over backwards and gave you that whole piece of property for \$1000.00 to the survey fee. We did you guys a favor big time on that. Mr. Randall stated your getting off the issue here. Supt. Bradley stated he is just saying we get in trouble because we cut the grass. Mrs. Randall stated Leroy wasn't home and his house was locked up like Ft. Knox go look at it. Supt. Bradley stated there is a lot of animosity here

Supervisor Thomas stated he would just ask that you, whenever you're talking, you address the Board. Supt. Bradley stated he is just letting the Board know that there is a lot of stuff that goes on around here. Actually Supervisor Thomas was here the other day and he asked Mr. Leroy "Stub" Bills Sr., because we start to early in the morning. That trailer park was not there when the highway garage was built. It was put in after. Mrs. Randall stated she has been there since 1992 that garage was built after she was living here. Supt. Bradley stated the highway garage. The highway dept. has been here forever, but he asked Stub Leroy Bills Sr. so we know who we are talking about. What time he would like us to start 9:00-10:00 AM, he said absolutely. Mrs. Randall stated 7:00 AM would be appropriate. Mr. Randall stated not at 5:30 AM.

Supt. Bradley stated he is trying to show what stuff is going on. He's getting in trouble with scrapping blacktop. What time do you want him to start plowing snow 12:00 in the morning? Mr. Randall stated it was 40 degrees out and there was an inch of slush and no town trucks out except for him.

Supt. Bradley stated Scott is the first one here so what he does is cleans up the yard for the rest of the trucks. That's what he does. On the way out we salt the yard so it starts melting and he starts plowing. The Sheriff that did come said we didn't do anything wrong there was no complaints to be filed the only reason he was here was Ernie threatened, he was going to rip the guy out of the tractor, He may have been heated whatever but that was the only reason the sheriff was up here, because of a threat. Mrs. Randall stated he was up here because we called the sheriff. Supt. Bradley stated they came up but they weren't coming up here. Supt. Bradley talked to the sheriff the only reason they responded was because there was a threat.

Mrs., Randall would like to know why the doors were closed while you guys were sweeping it into her house. Your doors were closed; you closed your doors and swept it into my house.

Mrs. Randall stated this is cut and dry. Mr. Randall quieted Mrs. Randall down. Supt. Bradley stated he wasn't there, all he knows is his guys said it was dusty but nothing more then usual.

Mr. Randall stated like he said a picture is worth more then a thousand words get the street sweeper out there drop it see for yourself. Mrs. Randall stated go down there and see for yourself. Mr. Randall stated you will know what kind of a cloud he is talking about. A cloud taller then his house and wider. He came out of his living room and the living room was full of dust because we had a fan in the window.

Mrs. Randall stated Supervisor Thomas was there in her house when the squad was there and you know she isn't lying. You know I'm not, Mr. Randall stated go look at their back porch. Mrs. Randall stated get Peter LaGrasse he stood in that house. So if that just didn't come in her house she must be just making it up. Supt. Bradley stated he talked to two EMT's on that call. Mrs. Randall stated she has the squad report. Supt. Bradley stated he talked to the EMT's and they said there were no signs of asthma.

Mr. Randall stated he got the squad report that said she has in a full asthma attack they picked that up Friday from the Hadley-Luzerne emergency squad and you can't get that information. Supervisor Thomas asked if they had been in contact with the Towns Insurance Co. Mr. and Mrs. Randall stated yes. Mrs. Randall stated he has been at my home, he took pictures, he agreed it was dusty; he agreed her furniture was covered with the stuff. Mr. Randall stated he was going to treat it like smoke damage. Mrs. Randall stated he said he was going to treat it like smoke damage. Supt. Bradley stated absolutely there was dust, no question. Supervisor Thomas stated he thinks the insurance company will take care of it. Mr. Randall stated there is one other thing that they do asked is it doesn't happen again. Mrs. Randall stated she would really like a barricade fence put up so possible this will not happen again. She understands there is a fence there but what does it do. It apparently does nothing. Supt. Bradley stated it doesn't do anything for dust. She doesn't come on his land; she would never come over on his land. Supt. Bradley stated we put the fence up; we paid for the first fence. Mrs. Randall stated she is asking for a barricade fence separating the two lots and if you would like to cut the tree you can cut the tree. Supt. Bradley stated as a taxpayer I don't think we should, if they want to pay half and we pay half, he is just throwing it out there. We just paid for that fence. Supervisor Thomas stated we will consider it. Mrs. Randall stated she will make it look good and she will stain it whatever the town wants. Supt. Bradley stated he has talked to the guys so you know; it's to get wet down more absolutely. Mr. Randall stated he has a town witness, a gentleman that use to work for the Town of Stony Creek that witnessed it, they did not put down a drop of water on that. That's why you have water tanks. Supt. Bradley stated there wasn't no water put down. He had already looked at the ground and said to go ahead and sweep it because there were already puddles and already damp from the day before. Mr. Randall stated he didn't have a very good thing about it. Mrs. Randall stated she guess you didn't watch the weather. Supt. Bradley stated he's an idiot that's all. Mr. Randall stated he told Supervisor Thomas about it being done up here (in front of the old garage). He really didn't want to submit a letter to the town because he didn't more then said something to Supervisor Thomas then they went down and did it to our house. Supt. Bradley stated it was not done intentionally, absolutely not. Mr. Randall stated he feels it was but he can't prove that. Supt. Bradley stated no you're not going to prove that. Mr. Randall stated no I'm, not you're the smart one. Councilman Gill stated he thinks maybe next time there should be a notification put out. Mrs. Randall stated he had a notification written out but her attorney told her not to hand it in until he read it. He didn't know if he wanted to be a little harsher or a little softer. Councilman Gill stated he was talking about next time they do any work outside. Supt. Bradley stated you can't get into that we draw sand in here every other day you're going to start something. We have dust. Mrs. Randall stated we have never complained about the sand coming in. Supt. Bradley stated he knows but it starts here and ends up here. Absolutely we will wet it down more anytime we go through there but we don't want to get in trouble if we drive a truck through there. Mr. and Mrs. Randall stated that hasn't been a complaint, we never. Supt. Bradley stated he doesn't want to escalate that. Mr. Randall stated if the Board wants to see what actually happened, take and have them do a demo with the street sweeper and look at the cloud of dust it creates Mrs. Randall stated she has dead plants.

Mr. Randall stated a picture tells a thousand words. Don't take our word for it we don't want to exaggerate nothing we don't want to blow anything out of proportion If you want to go and watch what that road sweeper does with no water on the dirt it looks like a bomb cloud going off. He went over to ask the gentleman to stop and he kept going making his pass after making two passes' before he got to him. The gentleman told Supt. Bradley that he made one pass. Mr. Randal stated he didn't appreciate the comment, "we pay those people leaving there, a bunch of welfare participants over there". Mrs. Randall stated you don't pay for my living. Mr. Randall stated he is on disability he had open-heart surgery last year. Mrs. Randall stated she has pay stubs she pays State and Federal. Mr. Randall stated he doesn't know who said it but the comment was made. If it was anybody else's house and they did that to them, Mrs. Randall stated they would feel the same. Put the shoe on the other foot. Supt. Bradley stated he doesn't think it would have escalated this far if it didn't get handle the way it did. Mrs. Randall stated escalated into what standing if front of my Town Board, I'm asking what they are going to do? Mr. Randall stated he was asked to write a letter to the town board. Supt. Bradley stated the way you went down and handled it. Mr. Randall stated he wouldn't stop doing it. He was blowing this stuff into our house. Supt. Bradley stated he didn't know that. Mrs. Randall stated she doesn't understand why he wasn't blowing it the other way. Supt. Bradley stated he goes one way and turns around and goes back the other way. Mr. and Mrs. Randall stated no he went and backed up, went and backed up and went and backup. Mr. Randall stated ok we don't want this to blow up into. Supervisor Thomas asked Supt. Bradley that he will make sure it is wet down. Supt. Bradley stated absolutely, it's not even a question. But like he said he doesn't know what you want him to do when we start. Mrs. Randall stated that is where the barricade fence comes in. Supt. Bradley stated we drive through with sand and stuff. Mr. Randall stated you have done that for 20 years. Supt. Bradley stated absolutely. Mr. Randall stated it hasn't created enough dust to put a layer of dust on our porch. You go look at the back porch, its been swept off and it still has white dust from front to back. It was rinsed off Friday afternoon after it happened. The other time he rinsed everything off with a garden hose. In the barn, they were trying to get ready for a lawn sale. They guys filled the barn right full of dust debris, they had to leave. There was people in the yard that had to leave, pregnant women, little kids. If they would have swept it towards the town hall, it would have covered the town garage, town hall it would be all over your plants. You wouldn't be happy about that. It would make the town-building look awful. Mr. Randall stated ok, you heard what we had to say.

Supervisor Thomas stated yes and asked if there were other items from the floor.

John O'Neill stated down at the gazebo, public information booth. There is still a No Parking Sign all the way up to the power pole by Mrs. Locke's yard and the fire hydrant has been since located over to the bridge. He wasn't sure of it but he thinks it would probably better use of the property of we moved that sign down to the pole where the meter is, on the side of the gazebo so it would keep people off the lawn while still opening the parking area to the left of it. Supervisor Thomas stated ok, is the parking area by the hydrant? John O'Neill stated there is a No Parking Sign up on the power pole where your coming down where the fire hydrant was and then there was one on the fence and its been moved. He was thinking the one on the pole should be brought down and put on the pole that has a meter on it right beside the building as to keep people off the lawn. The other night the Inn had a decent band and there was people parked as normal all over.

But it would be nice if we had the sign moved down because they ignore the one on the power pole by Mrs. Locke's because the fire hydrant has been moved and to keep them away from the gazebo because someone almost hit it backing up with his pickup truck. Supervisor Thomas stated the intent was to maybe next year to reconfigure that whole quarter of the corner. Maybe put in curbing, some more lawn. Try to stop the parking lot situation and make it look better. Change the fence that type of thing. We will move the sign. There use to be a No Parking Law from the four corners up Roaring Branch Road quite a ways. We did rescind that 2-3 years ago. It use to be there because of the old barn that use to be there close to the road.

Being no other comments

A motion was made by Councilman Nathan Thomas seconded by Councilwoman Ryan to adjourn the meeting at 8:16 PM. All in favor, motion carried.

Respectfully submitted,

Susan Harrington  
Town Clerk