

September 15, 2015

The regular Town Board meeting of the Town of Stony Creek was held on September 15, 2015.

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

Councilman Nathan Thomas

Councilwoman Doreen Ryan

Councilman John Thomas

Councilman Carl Thomas

Attorney James Cooper

Supervisor Thomas welcomed NYS Assemblyman Dan Stec and the Stony Creek Boy Scouts to the meeting.

July 21, 2015 minutes

A motion was made by Councilwoman Ryan seconded by Councilman Carl Thomas to accept the July 15, 2015 minutes. All in favor, motion carried.

August 18, 2015 minutes

A motion was made by Councilman Nathan Thomas seconded by Councilwoman Ryan to accept The August 18, 2015 minutes. All in favor, motion carried.

100-15. A resolution was made by Councilman John Thomas seconded by Councilman Nathan Thomas to pay the General Fund bills in the amount of \$8,451.14. Roll call vote, all in favor.

101-15. A resolution was made by Councilman Carl Thomas seconded by Councilwoman Ryan to pay the Highway Fund bills in the amount of \$8,234.79. Roll call vote, all in favor.

Town Clerk report:

Conservation licenses	\$ 23.55
Fax	\$ 5.00
Marriage License	<u>\$ 35.00</u>
Total Town Clerk fees	\$ 63.55
Dog Licensing	<u>\$135.00</u>
Total Town Revenues to Supervisor	\$198.55
NYS Agriculture and Markets	\$ 27.00
NYS Department of Health	\$ 45.00
NYS Department of EnCon	<u>\$403.45</u>
Total Disbursed	\$674.00

Correspondence:

Dog Control Log-August 2015

Stony Creek Inn-Renewing their liquor license.

Katie-Jo Fisk-requesting use of the town hall for an Origami Owl Party Saturday October 24, 2015 from 12:00 PM to 5:00 PM.

Stony Creek Library requesting use of the town hall for a Library Fundraiser on Saturday November 14, 2015 also requesting \$2900.00 of Bed Tax funds to cover the expenses and advertising for the "Fall in the Creek" Harvest Festival on October 17, 2015 from 11:00 AM to 3:00 PM and requesting the use of the town park for the Harvest festival.

Ronda Thomas requesting use of the town park/Pavilion on Saturday June 25, 2016 from 10AM to 8:00 PM for a 60<sup>th</sup> Anniversary Party.

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

Katie-Jo Fisk-use of the town hall for an Origami Owl Party Saturday October 24, 2015 from 12:00 PM to 5:00 PM.

Stony Creek Library-use of the town hall for a Library Fundraiser on Saturday November 14, 2015.

Ronda Thomas-use of the town park/Pavilion on Saturday June 25, 2016 from 10AM to 8:00 PM for a 60<sup>th</sup> Anniversary Party.

Old Business:

Park Pavilion Request form:

Supervisor Thomas stated last month he put together a draft registration form and gave it to the Board Members and wanted them to review it for a month and see if they have any changes or additions and bring it back tonight. Councilwoman Ryan asked if there was going to be an amount on it. Supervisor Thomas stated that should be discussed as to whether we want to charge rental fees to everyone or people that aren't residents. Councilman Carl Thomas stated the form in general looks good it seems to cover everything. Attorney Cooper asked if you would charge a fee for the use of the park or just the pavilion. Supervisor Thomas stated it would just be the pavilion. Supervisor Thomas asked the Board if they should charge a fee to everyone, residents and nonresidents or just nonresidents. He thinks just non-residents should pay a fee because we have to clean it up afterwards. Residents are different they're already paying a fee. Councilman John Thomas stated he would say for non-residents. Supervisor Thomas stated the next question would be a daily fee and how much you want it to be. Councilman Nathan Thomas stated it would cost \$100.00 at least to have Harold come in and pick up the field and how much trash would they be generating. You can't reserve anything for less than \$300.00, but that's more private use. Supervisor Thomas stated he would be inclined to go a little less than that. Councilman Carl Thomas asked if you could charge a fee and then rate it depending on the condition they leave it in or you don't want to get into that? Councilman Nathan Thomas stated you'd be getting into a lot. Supervisor Thomas agreed and stated just charge a flat fee.

Councilwoman Ryan asked if it would be different if they only needed it for a partial day as to a full day. Supervisor Thomas stated he wouldn't think so he would think just a simple flat fee. He thinks \$25.00 or \$50.00. Councilman John Thomas stated probably \$50.00 would cover it. His question is if we charge a fee are we obligated to any other matter such as charging a fee for the pavilion vs. no charge, legal wise if we charge a fee for it.

Attorney Cooper stated he thinks if anyone is injured because of a defect of the pavilion, you can get sued even though a reasonable man can see no bases for the lawsuit. Everybody knows that, if you are an adult in America, let's just say somebody climbed upon top of a picnic table and it wasn't constructed in such a way that the leverage made the table flip. If we charge a fee for the pavilion you can be sure we are going to get sued and that might be what they use for a factual lever to substantiate the lawsuit. His argument to the Board last month was that, if we charge a fee that covers the whole park. That opens us up to people getting injured at the beach, toy area and basketball court, stuff like that. so we do get he believes, we get some shelter in the General Obligations Law for people recreating on the town property in the ways described in the statute and it's very broad. If we charge a fee we could wipe out any protections we have and as he said he doesn't know if there would be protections. We could get sued either way that's for sure but at least maybe the town's insurance co. and their lawyer would get out of the lawsuit pretty quickly and maybe the premiums would go up accordingly. That's why he suggested to the Board that if we're going to charge a fee that it be restricted to the use of the pavilion.

Councilman John Thomas stated if we list it as a clean-up fee or some other types vs. use of property fee. Attorney Cooper stated that's an interesting thought. Councilman John Thomas stated he knows as soon as you charge from what use to be free, that you're responsible for much more than you use to be. Attorney Cooper stated that's a general rule of thumb, you're absolutely right. You can perhaps characterize as it as a clean-up fee then your almost inviting people to be slob. Your damned if you do and so forth.

Councilman Nathan Thomas stated he knows when you use the Town of Hadley they request a waiver for basically linking your homeowners insurance to their property. You put them on your homeowners insurance as a rider. Attorney Cooper stated you can go that route, it's a pretty reasonable thing. It puts the heavy hand of the law on what otherwise would be a family activity and it might be more than the personality of Stony Creek requires. If you're going to go that way we have to stop and take a look at what other towns have done and see if it fits our personality. Councilman Carl Thomas asked what the percentage use we get by non-residents because the request that we've had, he knows we've had a few from Hadley but it doesn't seem to be a high percentage.

Supervisor Thomas stated he would say this year there was four or five and probably 25-30%, at least this year. There have been several wedding receptions at the park and thinks only one of them was from town or had been from town.

Councilman John Thomas asked what if we take it as a deposit for deposal fees, up to a certain amount. Attorney Cooper stated you have to give it back don't you? Councilman John Thomas stated if it's not cleaned-up, no. If it's cleaned up, yes.

Attorney Cooper stated that kind of defeats the idea because you're saying that the pavilion has a useful life, like anything else and this \$35.00 isn't going into a sinking fund to replace the pavilion. Councilwoman Ryan suggested putting it in as a donation. Attorney Cooper stated you could try that and see if people would go along with that.

Supervisor Thomas stated do you think a suggested donation instead of charging a fee?

Councilman John Thomas stated he is wondering if what they take in, if something does occur, if it's going to end up costing us more then what we take in.

Attorney Cooper stated we can run it by the insurance carrier and see what they think because obviously because they represent other communities. The response we are going to get is almost predictable. They are going to come back with a bunch of forms to fill out and a Bond, but anybody that uses the park doesn't take into account, mom pop and a cousin who are taxpayers in Stony Creek ought to be able to use the pavilion for a wedding reception. You could try the suggested donation, let it ride for a year and see how that works out. If it doesn't work out you can come back and visit it on a fee basis and deal with the issues at that time.

Supervisor Thomas asked how the Board felt about that. Councilman John Thomas stated it sounds like a lot less liability for the town. Supervisor Thomas stated its worth trying.

Councilman John Thomas stated they can still fill the form out so we know who's there and what's going on, who's responsible. Councilman Carl Thomas stated with this form we will be able to identify our percentage to see what's going on.

Supervisor Thomas stated what happens when someone sets up a bounce house should they provide a Certificate of Insurance to the town. Attorney Cooper stated they should, because of the things that can go wrong with one of those things. Supervisor Thomas stated would the certifier be from the operator of the bounce house or the person having the event? Attorney Cooper stated he doesn't know anything about that trade. Can someone go to Queensbury and rent a bounce house and return it like a cultivator? Councilwoman Ryan stated they come out. Attorney Cooper stated they actually have a vendor who comes and provides his services. They should provide the Certificate of Insurance and name the town additional insured on the policy, getting some kind of commitment or endorsement from his insurance co. showing for this particular event the Town of Stony Creek is named additional insured. He thinks that imminently reasonable. Supervisor Thomas stated this will be the same for tents although organizations are the only ones who set up tents. Attorney Cooper stated perhaps you can make it part of your form, you can asked them what recreational equipment will be erected on the property.

A trampoline can be extremely dangerous. Then you can make a decision case by case on whether this particular recreational equipment is too dangerous for the town's risk level.

Councilwoman Ryan asked if there was anything on the form about damages to the park that may accrue, they will be responsible for. There has been a lot of work on the pavilion and asked if the rest of the ceiling will be enclosed. Supervisor Thomas stated yes and added something can be added to the effect of damages. Councilman Nathan Thomas stated damages will be hard to assess unless someone checks it in and checks it out. Attorney Cooper stated it might have the physiological effect of the group leader, the person applying for this, keeping an eye on it, make sure people don't get unruly. Supervisor Thomas stated a statement should be added that whoever signs the form is the responsible party. Supervisor Thomas will revise this and it be tabled until the next Board meeting.

Eagle Scout Projects:

Supervisor Thomas stated that Sue Brooks, Boy Scout Leader, approached him and talked about various projects and he recommended that her and the scouts come before the board tonight and explain what's going on.

Sue Brooks stated she wants to thank Supervisor Thomas and the Town Board members for their support. Each of the Boy Scouts kicked around the Veterans Memorial and it seems like an untimely manner that it wasn't going to be done for Eagle Scout but all three boys because they have family members who are Veterans said that even if its not part of their Eagle Project they will be willing to help with that.

Boy Scout Ryan Brooks, whose project will be done sooner, stated he will be resurfacing and redoing the basketball court at the town park. The asphalt will be donated to the town and the Town of Hadley will pave it with their paver at no cost. He was looking to resurface it this Fall and let the oil dry out and come Spring time they will paint it, redo the backboards and rims. He also has \$130.00 in donations for himself. Supervisor Thomas asked Ryan what he met about resurfacing, putting asphalt over the blacktop that's already there? Ryan stated yes. Supervisor Thomas stated when you're saying you're going to come back and paint it, it's going to be similar to what we have now as to the color? Ryan stated greenish color, yes. Supervisor Thomas asked if it was going to be striped also. Ryan stated yes with paint or tape. Mrs. Brooks stated he has been to Curtis Lumber and they talked with John Lindblade and he said Curtis Lumber would help with the pricing on the paint when they come to do that. Mrs. Brooks stated all of the Boys Scouts are continuing to fundraise. The only thing he would need from the town would be backboards and rims. They don't know the condition of the rims until they take them down. The backboards are pretty old, they have been up there forever.

Supervisor Thomas stated that you are proposing to change the backboards, poles and everything? Ryan stated probably not the poles, they will clean and paint those. Supervisor Thomas stated just the backboards. Ryan stated the backboards would be \$250.00 for acrylic glass. Mrs. Brooks stated that's top of the line, it would be like \$500.00 for both. They will shop around and find something cheaper but will be nice. One basketball hoop is higher so they will try and level it up. Supervisor Thomas stated he believes Supt. Bradley said he would be hauling the blacktop. Ryan stated he would like to thank Supt. Bradley for talking to him about the asphalt. Mrs. Brooks stated Supt. Bradley was in touch with Andy Gilbert, Supt. from the Town of Hadley and they are actually going to get the Town of Corinth's paver because it's smaller. Supt. Bradley will have to pull out the existing basketball poles and hoops then they will come up and pave it. Hopefully it will be done in the next week or so. The Board agreed that it sounds good.

Ryan thanked the board for their time and Supervisor Thomas thank Ryan.

Boy Scout William Mitchell's project will be replacing the baseball backstop that was taken down. Mr. Mitchell asked if the Town Board remembered the old baseball backstop in the town park before it was taken down. Supervisor Thomas stated yes. His Eagle Scout project was to put a new backstop back made out of metal.

Mrs. Brooks and himself went to the landfill and found the materials. So all they have to do now is ask for the Town Boards permission to pick the materials up and take them to the park and he also plans on clear coating them so it would keep it from rusting and they will be trimming the trees and getting mounds and bases.

Mrs. Brooks stated William has a basic design which is similar to what was there except there was wood along the bottom. Once they get the Boards permission they will pull the material out of the landfill and they may need some hardware. Supervisor Thomas stated you will probably need poles, there is quite a bit of fence. Mrs. Brooks stated she knew at one time Harold had bases in the storage area, she doesn't know what kind of condition they are in but she thought they would set down base lines and bases. The pitching mound down there has a lot of bare metal sticking up so they will rip that out and put plates made of rubber and if you want one for baseball and softball they are different and will talk about that and if you want to do clay or nice topsoil.

Supervisor Thomas stated the town has available \$1571.00 that when the Stony Creek Restoration dissolved they donated that money to the town. This was six-seven years ago and it was for kid's equipment or a project like this and it is available for that. Mrs. Brooks stated that base paths would probably be done in the spring and she will contact Dean Moore from Soil and Water because he has a hydro-seeder and said he would bring that over when needed. The backstop at least get it up this year and trim the tree limbs that are hanging over and make it look nice. Supervisor Thomas stated they should get together and get it laid out with string or sticks and see what you're looking at. William gave a drawing to the Town Board of what he plans on building. Mrs. Brooks stated that Curtis Lumber is pretty willing to work with them.

Boy Scout Moses Corliss's project will be building animal habitats for the Dean Farm Heritage Trails. Moses stated he will build 6 bluebird houses, 6 bat houses, and 6 duck houses. Mary Beth Mitcham will work with him and point out where he should put them. She knows more about that than he would and he has money raised and money set aside for that too. Mrs. Brooks stated that Sandy Payne has talked to Moses about that and it would be a good project for over there. Moses stated he was also going to put up a sign for directions of where they are set up so people can look at them.

Councilman Nathan Thomas asked if he was going to put signs up like the other signs they have over there. Moses stated he will look around. Councilman Nathan Thomas stated he has the name of the lady that did the design of the signs for the town and the company that made them. That way it would wind up the same as the rest of them around the trails, it might fit in better. Mrs. Brooks asked if they were expensive. Supervisor Thomas stated relatively, but they were pretty big, you can get smaller signs. Councilwoman Ryan stated if you told them who was doing the work they may work with you.

Supervisor Thomas thanked the Boy Scouts for attending the meeting. Mrs. Brooks stated if while they are down there and there is any other improvements the Board can think of let them know. She was looking at the volleyball court also.

Committee:

Landfill:

Councilman John Thomas stated he talked with Tom and he noticed, and it's been going on all Summer, the debris trailer it's been filling up at least once a week, it's a consist thing. Is there any way to extend one of the platforms between the dumpsters about four foot, put a container on the end and use the other as a backup? Supervisor Thomas stated yes. Councilman John Thomas stated that Tom said he had people coming in with pickups load with stuff coming in and didn't want to dump it on the ground because the trailer was rounded up. Supervisor Thomas stated it has been a problem at times, it's an idea and we could do it out of wood. Councilman John Thomas stated it's about four foot short to make it the full length of the container unless they have a shorter container that we could use for a backup and put the long one in front. Supervisor Thomas stated there are different sizes but short in height size, they can do the end out of wood. Councilman John Thomas stated wooden platform? Supervisor Thomas stated yes. Councilman John Thomas stated as long as they didn't hit it with a container when they changed them. Councilman Nathan asked if they would put a T on the end or putting it down by the plastic container. Councilman John Thomas stated we could move it down and you wouldn't have to build it up to much. Supervisor Thomas stated somehow add another container there. The glass and cans have been a problem too. The front part of the container with the roof on them doesn't get built up, they have problems opening them because they get out of balance and there is too much weight on the back end. Councilman John Thomas stated they have an open one down there for glass now, which fills up with water. Councilman Nathan Thomas stated it has a sign on the end that the gate doesn't hold so it could get messy. Supervisor Thomas stated it's something we can explore. Warren County owns the containers except for the metal, which is owned by NH Kilman. He would be hesitate on the town buying a container because we have a hauler coming in and out and the container could disappear and not be seen again but maybe we can get another from the County. Councilman John Thomas stated he will check and see how much it would cost to extend one of them out and have it for next month.

Warren County bids for hauling:

Supervisor Thomas stated the County is probably within a week or two of putting out another bid for another three-years of hauling the garbage and recyclables and the price they have been paying the town for recyclables and they are also going to put up a bid on electronics. Councilman John Thomas stopped by this morning about a company All Green. He did go on-line and sent his contact information but haven't heard back from them. Whatever the County does that's fine. If All Green takes it for nothing. Councilman John Thomas stated it's on their website they will. Supervisor Thomas stated we will find out.

Library:

Councilwoman Ryan stated the library will have owls from the Birds of Prey on Thursday from 6-8 PM.

Assessment:

Supervisor Thomas reported there is a gentleman, he's not here every day, his name is Gary Wright, and he is from the NYS Taxation and Finance Dept. He is doing a Market Value Survey of properties. When he comes, he stops by the town hall and lets them know he is in town and also calls the Sheriff's Dept. to let them know because he actually goes on people's property. He talks to them first. So if anyone complains that a man from the State is wandering on their property at least you know who it is. They will use this information to help establish the town's equalization rate.

CLA Site; Creek Center Project:

Supervisor Thomas stated he was contacted by CLA and he has a concept drawing. He doesn't have exact time of when they will meet, he should be here hopefully this week or early next week and we will go from there.

New Business:

Occupancy Bed Tax request:

102-15. A resolution was made by Councilwoman Ryan seconded by Councilman Nathan Thomas authorizing the expenditure of bed tax funds to the Stony Creek Free Library in the amount of \$2900.00, to be used to cover expenses and advertising for the "Fall in the Creek, Harvest Festival and also permission to use the town park for this event on Saturday October 17, 2015 from 11:00 AM to 3:00 PM. Roll call vote, all in favor.

Stony Creek Fire Co:

Councilwoman Ryan stated the Car Show will be held Saturday Sept. 20<sup>th</sup> due to it was rained out on Sept. 13<sup>th</sup>.

Stony Creek Fire Co; Dry Hydrants:

Councilman John Thomas stated as far as the fire co., they received a grant this year for putting in dry hydrants. They got approved and are in the process, he met with Dean from Soil and Water and trying to get three more in town. One is this side of Knowlhurst Church. He is trying to spread them out more. One down on Hill Road, one on Warrensburg Road, right now they will be using Dominic's pond. It's a good source of water and it spreads the hydrants in town. His goal is to produce enough water so they can get their insurance rating dropped. Right now it's a 9 and if they can drop one number it's a pretty good savings for everybody. That's what they are trying to get done.

Supervisor Thomas reported the following:

There will be a rabies clinic on September 26, 2015 at the town hall from 10:00 to noon.

A meeting will be held on Wednesday October 7, 2015 at 6:30 PM for the town board to review the 2016 Town Budget.

From the floor:

NYS Assemblyman Dan Stec stated he was happy to listen. It seems steady the way Attorney Cooper put the personalities in Stony Creek. You don't personally need the big city approach and it's nice to hear the Attorney recognize that. He wished they had more of that attitude in Albany. It seems one size fits all approach to government problems. But he just wanted to come up and say hello to everyone and will stick around after the meeting and talk about anything they want.

A motion was made by Councilman John Thomas seconded by Councilwoman Ryan to adjourn the meeting at 7:51 PM. All in favor, motion carried.

Respectfully submitted,

Susan Harrington, RMC  
Town Clerk