

September 20, 2016

The regular Town Board meeting of the Town of Stony Creek was held on September 20, 2016. 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

Counsel to the Town-Matthew Fuller

Supervisor Thomas welcomed Matthew Fuller from the Law Office of Meyer and Fuller, whom will be the attorney for the town replacing James Cooper.

August 16<sup>th</sup>, 2016 Minutes, corrections:

Page 181 change wood-burning workshop to wood-turning workshop.

Page 184 change \$200.00 for the town to towns.

A motion was made by Councilwoman Ryan seconded by Councilman Carl Thomas to accept the August 16<sup>th</sup> minutes with these corrections. All in favor, motion carried.

August 23<sup>rd</sup>, 2016 Minutes.

A motion was made by Councilman Nathan Thomas seconded by Councilwoman Ryan to accept the August 23<sup>rd</sup> minutes. All in favor, motion carried.

106-16. A resolution was made by Councilwoman Ryan seconded by Councilman John Thomas to pay the General Fund bills in the amount of \$9,289.69. Roll call vote, all in favor.

107-16. A resolution was made by Councilman Nathan Thomas seconded by Councilwoman Ryan to pay the Highway Fund bills in the amount of \$88,816.39.

Discussion: Councilman Carl Thomas asked if Eddy Road was done. Supt. Bradley stated they have to put one more coat on it and it will be done for free.

Roll call vote, all in favor.

108-16. A resolution was made by Councilman Carl Thomas seconded by Supervisor Thomas to pay the Fire Fund bill in the amount of \$2900.00.

Discussion: Supervisor Thomas reported this is the bill from Penflex Administration Fee. They did increase their base price \$150.00 and also increased the price per participate from \$17.00 to \$18.00. So overall it will be a \$100.00 increase.

Roll call vote, Councilman Carl Thomas-Yes Councilman John Thomas (Member of the fire co)-Yes, Councilman Nathan Thomas (Member of the fire co.)-Yes, Councilwoman Ryan (Member of the fire co.)-Yes, Supervisor Thomas-Yes.

Town Clerk report:

Conservation licenses	\$ 29.02
Cemetery Lots-Residents	\$800.00
Fax	\$2.00
Marriage License	\$17.50
Copies	<u>\$2.00</u>
Total Town Clerk fees	\$850.52
Dog licenses	\$52.00
Total Town Revenues to Supervisor	\$902.50
NYS Agriculture and Markets	\$10.00
NYS Dept. of Health	\$22.50
NYS Environmental Conservation	<u>\$522.98</u>
Total disbursed	\$1458.00

Correspondence:

Dog Control Report-August 2016

Stony Creek Library- requesting \$4260.00 in Occupancy Tax Funds to cover the library's Fundraiser "Fall in the Creek".

Stony Creek Chamber of Commerce-permission to use the park pavilion August 4<sup>th</sup>-6<sup>th</sup>, 2017 for the Stony Creek Mountain Festival.

Stony Creek Free Library- permission to use the park pavilion September 23<sup>rd</sup>, 2017 for the "Fall in the Creek Fundraiser" also permission to use the town hall November 18, 2017 for the Party-Paluzza Fundraiser.

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

Stony Creek Chamber of Commerce permission to use the park pavilion August 4<sup>th</sup> - 6<sup>th</sup>, 2017 for the Stony Creek Mountain Festival.

Stony Creek Free Library permission to use the park pavilion September 23<sup>rd</sup>, 2017 for the "Fall in the Creek Fundraiser" also permission to use the town hall November 18, 2017 for the Party-Paluzza Fundraiser.

Old Business:

EMS; Rockwell Falls Ambulance Service, (Hadley, Luzerne).

Supervisor Thomas provided the Town Board with what was provided to him from the Rockwell Falls Emergency Services as far as amount billed and amount received along with minutes and time spent. Councilman John Thomas stated when time is canceled that will be the time that they would be in route and on the scene and once they get on scene then they weren't needed. A fair amount of these calls are if you stubbed your toe and you're on the phone breathing hard it's an ALS call because you're breathing hard. Breathing hard is an ALS call. That's part of the problem.

Supervisor Thomas stated he understands that but they are wanting more money and he is looking for a way they can resolve this. He is looking for suggestions. He isn't comfortable with just paying what's billed. We are paying the difference between what's billed and what's received. He doesn't know why the bill is \$1423.80. There is no explanation why that is, so he was thinking that if they come up with a proposal. So much a call or set up bearing rates for different types of calls. Councilman Nathan Thomas stated there is large discussion on the county wide EMS system. The Public Safety Committee is having a meeting Wednesday Sept. 28<sup>th</sup> to discuss it further so he wouldn't enter into any contract until they see what the county does. Whether the county comes up with a solution or not. Supervisor Thomas stated the county might do something but it might take a while and Luzerne and Hadley has been at him for several years so he doesn't think it's something they can keep slipping off. Councilman John Thomas asked what are they looking for. Are they looking for the town to pay the difference between what they charge? Supervisor Thomas stated that's what they would like us to do. Councilman John Thomas stated he knows if you look, there is one in 2014 that was billed \$1241.00 and was paid \$606.61. Any agency in the state, that's all they are going to get because that's all the insurance is going to pay. The lower amounts like on December 22, they billed \$1177.40, they were paid \$140.60 because it's a different insurance carrier so that's all they are going to pay. Every agency in the counties are doing the same thing. Supervisor Thomas stated they have a chart where they show what they're asking for basically. What they billed in 2014, what they received and what the difference is. They have 2014, 2015 and so far in 2016. He understands that's all they get from the insurance companies. Councilman John Thomas thinks his personal opinion is this is going to come down to how much is this town willing to spend on paying other agencies. He knows Hague does not bill because billing is a loss for them. They pay \$85,000.00 just to have someone there just for the summer. They have the tax base to cover it. Supervisor Thomas doesn't think we can do that but does think the town should help Luzerne in some degree with Rockwell Falls whether we pay the difference or not. To him that's up to debate, but for the town just to ignore them when they are providing the service for the town he thinks after a few years that's not right and it is budget time so that's the main reason he brings it up, if you're going to do something. Councilman Carl Thomas asked what are we doing with Warrensburg, they also provide service. Is there anything going on there? Supervisor Thomas stated he hasn't heard anything from Warrensburg. He thinks its Luzerne because they have a taxing district. They set up a taxing district in Luzerne and Hadley and it's costing a lot of money and Luzerne and Hadley are demanding more money all the time. It's been pointed out to him several times that when they are up here answering a call they have no ambulance service. They depend on Corinth or Lake George to back them up, and they are paying \$3-\$400,000.00 a year for the service between Hadley and Luzerne and they have no ambulance because it's up here answering a call. So as you can see if you were a taxpayer down there you would probably be a little perturbed. Councilman John Thomas stated he can check but he doesn't recall any calls that when Luzerne was out that they had another call if they cover one of the towns. He listens to the scanner pretty religiously and he doesn't believe there was any calls they missed because they were up here.

He understands their point. They are paying for a service and paying a lot for a service and will be paying a lot more. Councilman Carl Thomas asked if there is anything done to determine the amount or percentage to the calls to Stony Creek for back up or coverage. Supervisor Thomas couldn't tell you that. Councilman Carl Thomas stated he thinks that would be the first start. Before you subject the town to a commitment find out how much you are actually using it and how much it's interfering with what they have got. Councilman John Thomas stated he can find that out because he gets the report from the county. The total amount of calls for each agencies for each year, the total amount of calls and what percentage. He can take the total amount of calls and they have the calls listed where they came up and helped. Supervisor Thomas stated he isn't sure that is relevant because they have given a list to him. Not that he is an advocate for Rockwell Falls but it is what it is. What percentage it is he doesn't know what that matters they are providing the service.

Councilman Nathan Thomas asked what his thoughts are on a contract with them. Supervisor Thomas stated he would like to negotiate with them. He isn't going to pay what they determine is their fee. Councilman Nathan Thomas stated a lot of this comes back to, they have been encouraged not take two ambulances out of service. A lot of times on these calls they transport our ambulances was there, which is the \$18.00 a mile for transport. At least that's what the agency he is with bills. So a lot of these inflated cost are because of mileage. If our ambulance transports and there is medic on board, that brings you back down to intercept fee of \$350.00. So if our ambulance gets off the floor, we need to transport or need to encourage the fire dept. to transport, even though it will take two ambulances out of service, this a different fee. Like Warrensburg if they send their ambulance to the township and we get on the scene with them, let's not take two ambulances out of service then they are losing the \$28.00 a mile. From time to time at least with Warrensburg we have an extra EMT we will send one EMT with their EMT driver and standby at their station so it doesn't take two ambulances out. But it depends on what is going on around the county at the time. Councilman John Thomas stated they use to do that with Luzerne too. If we required a medic we had an EMT and their ambulance would go back with BLS. The cooperation between agencies isn't there anymore because it's now a business and it's a money losing business. That's what has changed the attitude between agencies. Supervisor Thomas stated that's why he bought it up because Councilman John Thomas and Councilman Nathan Thomas know more about it than he does and he is trying to learn something. He doesn't know if a proposed price for all calls or should it be a bearing rate for different types of calls, he has no idea. Councilman Nathan Thomas stated that's the problem because even though we are paying them, the other thing is they will probably still bill the insurance. The State Law says they bill one you have to bill all. Supervisor Thomas stated he understands that. Councilman Nathan Thomas stated there is no quick solution. Supervisor Thomas stated he knows that the county is more determined then it has been in the past to do something about this but again, how far that will precede. Councilman Carl Thomas stated reading there reports in the paper as such as they are he doesn't sound like they made allot of progression.

They are still talking about fly cars and things like that. It sounds like they are still at where they were four or five years ago. Supervisor Thomas stated there is a lot of push back from the squads too. They don't want to change. Everybody has their own flight plan and they don't want to give it up. Councilman John Thomas stated it wasn't that long ago everybody cooperated now because it's a business that cooperation isn't there from one agency to the next. Supervisor Thomas asked Councilman John Thomas if he thought 20 calls was an average of about how many times they come up here. Councilwoman Ryan stated in 2015 they came up, there was 32 calls. We had 15 calls taken and 17 were canceled. Councilman John Thomas stated in 2014 there was 4 calls and a medic rode with Stony Creek. Councilman Nathan Thomas stated that Luzerne's side is from Hadley's four corners back up to Stony Creek. Luzerne doesn't handle Warrensburg Road and Harrisburg Road. That's all Warrensburg and as soon as Warrensburg finds out that we are paying Luzerne they will be the next one. You can drop a lot of money into this almost instantly. They do approx. 100 calls a year.

Supervisor Thomas stated the recommendation is to just let it ride. Councilman Nathan Thomas stated we have to budget for something he understands where you're at. Councilman John Thomas stated he would think if you took the average of what they got paid for all these calls, some of them are full amounts and most of them are not. If you come up with an average per call that would be a fair way of doing it. We did talk to Warrensburg about handling all the towns backed up calls, and at that time they didn't feel they had enough manpower to do that. That's why it was spilt from the four corners down with Luzerne. Supervisor Thomas stated what about the fact from Grist Mill Rd. down to the county line that is Hadley addresses. Does that play into the calls when it's dispatched, is it dispatched to Hadley? Councilman John Thomas stated it's not supposed to be, it's supposed to be when you call in with your phone number it's supposed to be your 911 phone number. What is screwing that up is your cell phone because when you're calling on a cell phone it's not registered to Stony Creek or Hadley. Your phone number is supposed to be your 911 number. Councilman Nathan Thomas stated for the most part from Grist Mill Rd down most people know where the setup is. Every once in a while it's the apartment buildings. But usually once they hear them they call the county. The Chief can go down and call into 911 and ask where the call came out and they will adjust their computers. But for the most part they are all Stony Creek. Councilman Nathan Thomas stated he would ask Luzerne, he wouldn't put a number out to them, but would ask what they want per call. The biggest thing is maybe plan for \$2500.00 for budgetary purposes in case we end up paying somebody. He knows when ALS intercepts different agencies they have a flat rate but that was usually to recoup what equipment they used more then to recoup the time. It depends on what they are looking to get back.

Councilman Carl Thomas stated it's the first he has seen the numbers and really haven't been aware of them. He thinks before we make a decision we should at least put it off until next month. It doesn't have to be done tonight. Councilman John Thomas stated he thinks a fair way would be average of all calls that was paid. In 2016 there wasn't as many calls as 2015. Supervisor Thomas stated 2015 seemed to be busy but 2016 is only up until June. Councilman John Thomas stated this was through dispatch too.

There was three or four calls they dispatched from Luzerne that should have been from Warrensburg and he knows Warrensburg wasn't out, but the call could have come from a cell phone. A lot of this is how quick they get out. They do have a couple new members coming in that will become EMT's but that's seven or eight months before they get done and onboard. Supervisor Thomas stated it's a problem that's not going to go away. We are going to have to plan for it and is sure it will be more money than any of us want to spend.

Matthew Fuller Counsel to the Town; letter to the Town Board:

Supervisor Thomas stated Attorney Fuller provided communications to the Town Board and asked if the Board had any questions as to what's in the letter. Councilman Carl Thomas stated in the heading where it says Attorney-Client Privileged Communication, he thinks that would be "not to be forwarded or dissembled without express written consent", rather than "with". Supervisor Thomas stated it looks pretty durable he thinks. He wanted to bring it up in case someone had a question.

Councilman Carl Thomas asked if the Board was going to be updated on what's going on with the library. Supervisor Thomas stated yes he was just coming to that.

Committees:

Library:

Supervisor Thomas stated as you know last month we passed a resolution to basically say we guarantee a loan that the library may obtain. Attorney Fuller provided a letter and it's in his opinion that it's not legal. They can't do that by the NYS Constitution. It makes it pretty clear we will not be able to do that.

Attorney Fuller stated what he had was questions on it.

First was what actual type of library we are dealing with. He thinks the threshold question that he had was, depending on what type of library it is we get a little bit more freedom of what we can or cannot do in terms of, if there was a library project. The town was essentially called upon to pledge its full faith in credit with what you are doing with the guarantee, that it within itself it may not necessarily be unlawful. You use a double negative meaning, there is some authority to do that but that's only for unlawful purposes. So his concern was from the Town Board standpoint. We couldn't go buy a residential property and go rent it out. We don't have the legal authority as a town to engage in that sort of commerce, it's a business venture. His first opinion was he wants to represent the town and from the town's standpoint we can't authorize anything that we couldn't necessarily do ourselves. That's a threshold issue. He doesn't know if the library necessarily has the legal authority to do that. He actually talked to the bank as late as this morning and again he saw Arlene and had the conversation with her yet again. They are kind of kicking the ball back over to our court so they can say, well the town counsel said we can do this. He isn't so sure you can. Attorney Fuller stated he can give a clear answer that if it's the town we can't, we don't have any legal authority to essentially buy surplus property. The only way we could lease a piece of property like that is, if the town owned it and it was surplus. The town just can't buy surplus property it's unlawful, that's the threshold.

He thinks that the library group has to surpass. If they didn't want to necessarily reach out to an attorney on that they could also seek a comptroller's opinion on it. The State and Comptroller. He is assuming they are Chartered by Regents which would come under State Attorney. Not to throw roadblocks but he thinks those questions should be answered before we can get the Town Board saying yes or no.

Supervisor Thomas stated he made his comments based on what he had in the last paragraph of Attorney Fuller's letter which states, "The NYS Constitution Article 8 Section 1 Prohibits the municipality from pledging its full faith full credit for Public or Private Corporation or Sole Association". He thinks that's pretty clear. Supervisor Thomas stated he was at a meeting at the bank and his take from the meeting was that the bank would be more than happy to loan the money to the town but they're probably not interested in loaning money to the library. That's his feeling by listening to them. Attorney Fuller stated that would be his impression too. Supervisor Thomas stated so if the town has any interest in buying that property he doesn't know if that resolution is something we should rescind.

109-16. A resolution was made by Councilman Nathan Thomas seconded by Supervisor Thomas to rescind the August 16, 2016 Resolution no. 101-16:

That the town does co-sign or guarantee the loan that the Stony Creek Free Library would obtain from the banking institution, contingent upon us reaching an agreement on what the terms would be as far as default or anything like that and contingent that they find a bank that agrees to that and agree to their terms. The said property is located at 13 Lanfear Road in Stony Creek, NY. Roll call vote, all in favor.

Councilman Carl Thomas stated the library still has the option to seek grants on their own. Councilwoman Ryan and Supervisor Thomas stated yes. Supervisor Thomas stated they were seeking our help, other than the town buying the property that was the only thing he could think of.

Hadley Road Postal change:

Supervisor Thomas stated we talked about this at the last meeting. He didn't prepare a resolution but he has talked to Matt Scollin from Congresswoman's Stefanik's Office and talked to one of her political people and Mr. Scollin didn't like what he said so Supervisor Thomas got a call from Madeline Donovan from Congresswoman Stefanik's Watertown's Office and he didn't get any further there then he did with Matt Scollin. Supervisor Thomas did provide one of the releases to one of the residences. He is confident he filled it out and sent it in. Supervisor Thomas stated he has come up with a list. He estimates there is about 35 households. He thinks one of the ways the town is harmed is loss of sales tax not only Warren County but to the towns and all the towns. Dispatch of EMS squads, insurance rates, the fire insurance rates are different because they have Hadley addresses. These people are inside out municipal boundary but they are being served by another town that's in another county. Loss of mortgage tax because they have a Hadley address, issues with DSS, Warren County vs Saratoga County and mailings.

The town sends out mailings and they have to be sure they put stamps from Grist Mill Road down so they will actual get them. Supervisor Thomas asked if there was anything else to be added to this so a resolution could be put together before election and make a little noise because otherwise he doesn't think they will do anything.

Councilman Nathan Thomas stated he knows the fire insurance rates are a problem because various people have called or asked and they are given Edinburg's Fire District because of the zip code, it's actual on the Edinburg District loop and that defiantly adjusts you rates because you are miles from the nearest firehouse. Councilman John Thomas stated he had to write letters out just to straighten that out with the insurance companies. Auto insurance as well. Councilman Nathan Thomas stated when he went to ACC he had to give a statement of which county he lived in because his driver's license shows Hadley NY which is Saratoga County. Anything you sign up for they automatically send you to see the Saratoga County Clerk. Councilman John Thomas stated the income tax goes to Saratoga Co. because of the 12835 zip code. So anything tax wise goes to Saratoga County. He has to sends out letters for his business with a Tax ID # in order for them to figure out that we are actually in Warren County. That's the only thing they will except is the Tax Id #.

Supervisor Thomas stated we will be having another meeting on October 4<sup>th</sup>, for a budget workshop and will try to get a resolution drafted between now and then and if it meets the Boards approval we can pass it and forward it to Warren County and talk to Mr. Lehman, see if we can put some pressure on them and right now is the time to pressure because she wants to get reelected, maybe this will get her attention, If she can't accomplish this then. Supervisor Thomas stated if anyone can think of anything else let him know and he'll get the resolution made and send it to her and forward it to the County, Senators Schumer and Gillibrand and go from there.

New Business:

Bed Tax Funds; Stony Creek Free Library:

110-16.A resolution was made by Councilman Carl Thomas seconded by Councilwoman Ryan authorizing the expenditure of Occupancy Tax money to the Stony Creek Free Library in the amount of \$4260.00 to cover the library's fundraiser "Fall in the Creek" held on Sunday September 11, 2016. Roll call vote, all in favor.

Stony Creek Ranch requesting a reduction in the speed limit on Warrensburg Road by the Ranch going toward the Town of Stony Creek.

Mr. McLean was present along with Mr. Michael Prybylski and Mrs. Alice Lochmann.

Supervisor Thomas stated Mr. McLean is here to request the County DPW Superintendent to lower the speed limit in front of the ranch resort. Councilwoman Ryan stated especially coming from Warrensburg coming into town.

Mr. McLean gave a letter with pictures attached to the Town Board regarding an accident that happened in front of the ranch. Mr. McLean stated they are requesting at this point to lower the speed for that part of Warrensburg Road that travels through the property.

They are looking just to ensure the safety of the residence and guests of the Stony Creek Ranch Resort that crosses from the property to the barn property. There is a pedestrian walkway there but there are no signs to let people know there are pedestrians going out. There is a hillside there that does have a blind spot. He has been in contact with the county to remove part of the hillside to make it more visible. The truth of the matter is with the speed of the cars that are going through that road they don't have the time necessary in order to react properly coming around that side to brake and to not hit Mr. Prybylski, as he was going across the road. Councilwoman Ryan stated there was actually skid marks on the road so she was seeing them trying to stop and going into the wrong lane.

Mr. McLean stated even through it was a tragic event and we are fortunate Mr. Prybylski is still here. They host a number of individuals, Boy Scouts, Girl Scouts they have adult handicap guests that will be coming next week and they are having ATV guests coming in a week or two and that will be a traffic area. They are expecting the resort to get more guests by next year. Some of the staff are leaving next week to go to Reno to the America Society of Travel Agents, where 900 travel agents from North America will be hearing about the resort property and send guest their way. So they expect there will be more guests and more traffic back and forth on the property and we request for the safety of those guests at the resort, that the speed be reduced and they would also eventually take other precautions. Yield and caution signs to let people know that there are pedestrians crossing there too, to be sure accidents don't happen again.

Councilwoman Ryan stated it's happened quite a few times before. Mr. McLean stated he would like Mr. Prybylski accident to be the last one and he hopes for the Town Board's support.

Councilwoman Ryan stated this has been talked about for a very long time. Councilman Carl Thomas stated he would suggest as Mr. McLean probably will do and that's to put caution notices for their own people, it's a public highway and stop, look both ways. He travels that road a lot he doesn't think terribly fast but people step out and they don't look up or down the road.

Mr. McLean stated the truth is there is actually a sign there now. As you say pedestrians sometimes just feel that they have the right of way. They go out there and don't realize how fast the cars are traveling and they don't have the ability to stop in time. Councilman Carl Thomas stated you can educate your people, they need to be cautious. Mr. Prybylski stated they have all been educated, there are signs in the building and by the railroad tracks.

Councilman John Thomas asked if he was planning on doing anything different with the sign. Mr. McLean stated yes, that's coming down. Councilman John Thomas stated he's been in and out of there a lot and a lot of times that's a major problem no matter which way you come up. You can't see until you're out in the road, he thinks that maybe a major problem with people walking. Until you're in the road you can't see down the road either way depending on what side you come up. Mr. McLean stated he knows the sign has been there for years and there is emotional affection for the sign but he agrees, it will be taken down and place further on the property. It will not be a visible distraction. Councilman Carl Thomas stated the lights are a distraction also at night. Councilwoman Ryan stated lights are a good idea, lights slow people down. Mr. McLean stated coming out of Warrensburg they even have a sign that tells how fast you're going. He thinks that's a good reminder to people as they are going through those areas.

He did indicate to other members he talked to, that the resort would be interested in helping to pay for any type of cautionary devices that they would put up. He would be happy to have that conversation with the county or whatever authority you need to about what they would do to make this happen.

Councilman John Thomas asked who owns the flashing light down by what use to be the golf course. Supervisor Thomas stated it's the counties. He suggested to the DPW Superintendent that it be moved up coming from Warrensburg somewhere before the sign. Councilman John Thomas stated the lights does get your attention. Councilwoman Ryan stated that's the side that is the dangerous side because you can't see until you go around the arena, you cannot see the driveway or walkway and you can't see the guests coming down.

Mr. McLean stated the county wants to take some of the bank out so that should help with that. We just want to be sure even in that case that people are slowing down so they can react properly if there is a pedestrian. Supervisor Thomas stated he suggested that to the DPW Superintendent and also suggested digital speed signs so people will see how fast they are going and the DPW Superintendent didn't agree with that idea. So it got pushed back from him and he told Supervisor Thomas that they were going to dig out the embankment as much as they could within the right of way. That's what their engineers have determined after three months and that's where we are at.

Councilwoman Ryan asked if there was an account of how many accidents have actually happened there. Mr. McLean stated not that he is aware of. He has only owned the property since March. But he is sure there could be something done to look into how many other incidents have occurred. It's not just accidents and occurrences its how many neat misses have there been. Councilman Carl Thomas stated especially on activity nights like rodeos and things like that. What he is saying they are in the country. Mr. McLean stated the only option available to him at that point would be to build a bridge over the road and that creates a lot of problems as well. He thinks this is the simplest solution. That would help to make sure this doesn't happen again. Councilman Carl Thomas stated the light would be a good thing, Supervisor Thomas and Councilwoman Ryan stated it would be a start. Councilman John Thomas stated it would draw people's attention. Supervisor Thomas stated to get the speed limit lowered it would start here then make a request to the County Highway Superintendent and he refers it, if he so desires, to the State. Ultimately it's the State that will make the determination. Councilwoman Ryan stated it's not a big span you need, it's just around the bend. Mr. Prybylski stated its 55 now and that's highway speed and for around the bend. Their private investigator said the speed was like 70 when the guy hit his brakes according to the skid marks and he skidded over and didn't stay in the right lane. Not to plead the case but just to plead that people do go faster than the speed limit. When you see 55 a lot of people are doing 60. If we could get it down to 40 or 35 for the short strip, and you know that are going to go a little higher then what the speed limit is, it would make a big difference to them.

He's thankful to be alive but if it was a group of Cub Scouts going through and someone came through that fast and they got hit they could get a few kids at one time or handicap adults might panic. They will do their best and do what's allowed to keep our people alert, but the drivers need to help to, to slow down.

Supervisor Thomas asked the Board if they would like to make that request. Councilwoman Ryan stated yes. Supervisor Thomas stated if so how low and how far. Councilman John Thomas asked what the history of accidents is there. Councilman Carl Thomas stated he doesn't recall. Councilwoman Ryan stated there's been a couple. Councilman John Thomas stated there was a motorcycle accident there that was intoxicated driver.

Mr. Prybylski stated they also have animals crossing to.

Supervisor Thomas stated in his opinion he doesn't see what hurt it will do, it will slow people down and prevent someone from being killed because there will be hopefully, if the business is successful and he is sure it will be, that there will be people. He knows they have had people in the past and nothing has happened but he doesn't know if we should wait until something serious does happen. Councilman Carl Thomas stated he would say this was serious but it is an accident, so far a one-time occurrence. He can say he doesn't recall, and he has lived on the road all his life down there, and doesn't recall many at all. Councilwoman Ryan stated there has been a couple. Councilman John Thomas stated he doesn't think you would want to make it to low because that means it's going to be opportunity for enforcement to write a bunch of tickets if they want to. He thinks that will be the other end of the problem. Councilman Carl Thomas stated you have a lot of people who go to work that way every day. You have a lot of consideration here. Mr. Prybylski stated the speed is 55, if you just lower it a little bit in that section, if that person going to work hits somebody there whole life is going to be changed. Councilman Nathan Thomas stated its 30 in front of the town hall and we can't get the county to enforce this section. Supt. Bradley stated if the Warren County Sheriff sits over there for a while, they will probably get someone. But they won't sit nowhere. 55 isn't really fast through there everybody is doing 60-65. Mr. Prybylski stated what he is saying if you put it down to 40 or 35 they are still going to do 50. Supt. Bradley stated if the sheriff would enforce it, it would probably be alright. If the sheriff sat there for a while. Mrs. Lochmann asked about getting a machine that tells you what speed you're going. That's the best indicator and the other thing is we get those logging trucks. Her address is 532 Warrensburg Road and she can hear them before she can see them in either direction they go. When they are empty they sound like garbage trucks but when they are full it sounds like the train that goes through there. They just whiz by and there is no stopping them. If they come from Stony Creek there just coming down and making time because it's an open area where she is. If they are coming around it's because they have to slow down from where the clubhouse was and they are whizzing right up and there have been many accidents where they are hitting the trees. She is sure the board is aware of that. We had a couple of accidents because they had power failures when they hit the trees. So there are other elements that come into it. With just that sign, "your speed is" and lower the speed to at least 45, because its 55 and they're not doing 55 they are doing 60-65. She would appreciate some consideration too. Councilman John Thomas stated is there any chance the county would move that flashing yellow sign up there. Supervisor Thomas stated there is a chance yes. Councilman John Thomas asked if the county paid for that or did 1000 acres pay to have that put in? Supervisor Thomas stated he doesn't know but thinks the county did. Councilman John Thomas stated someone is paying for it to operate it. It runs on electricity so someone is still paying the bill.

Supt. Bradley stated he assumes Supervisor Thomas was told the same thing, he talked to Kevin Hajo's and he said they weren't doing anything and aren't doing anything and they are pretty blunt. Supervisor Thomas stated not doing nothing as. Supt. Bradley stated they're not going to put a sign up, they are not entertaining any of that whether they do or not. But that's what he told Supt. Bradley. Supervisor Thomas stated we'll see about that. Supt. Bradley stated he told Mr. Hajo's that Stony Creek Ranch was willing to pay for flashing yellow signs, how hard is that. Supervisor Thomas stated the first step is the speed limit. Councilman Carl Thomas stated the signage would be the first. You have a speed limit now that they don't enforce and that's probably a good part of the problem, they are going beyond the 55. That would be a start to get enforcement over here. Mr. McLean stated he contacted the county and asked them about signage and told them they would be willing to participate in the payment for it and was told that the county was not interested and it didn't warrant it. Councilman John Thomas stated because there's not enough numbers. Mr. McLean stated they need a higher body count. Councilman John Thomas stated like Councilman Carl Thomas stated he doesn't recall hardly any accidents in that area, Mr. Prybylski stated if he had died would this discussion be any different? It would be but let's try to afford that. There are people who live on the road, they aren't looking for the whole road. He doesn't think it would hurt the commuters if they slowed down a little bit. They do it in different parts of towns and schools. We're not as big as a school but we still have children. They really like being a part of Stony Creek and would like the Boards support on this. The county still has to approve it but it starts here. We are a part of Stony Creek and we also pay taxes and we do give jobs, we're just asking, please. Councilman John Thomas stated he agrees with Councilman Carl Thomas it starts with enforcement. Councilman Carl Thomas stated if you want a real dangerous place to cross, come down where he lives and try getting out in the highway, and he doesn't care which way you go. Mr. Prybylski stated 55 is the limit they say on highways and that's straight away with no driveways. If he had his way it would be the whole road. Councilwoman Ryan stated the difference to is they have a lot of pedestrians crossing. It's not just cars coming in and out of driveways. It's pedestrians too. That should make a difference. Councilman Carl Thomas stated it makes a difference to, that he has to pay attention to what he is doing. Don't misunderstand him at all, he is just saying everybody is responsible to some extent. Mr. McLean stated he has suggested the signage where it be able to alert drivers. Whether it be hybrid pedestrian crossing, where you push a button and it activates a caution like and it alerts drivers that there is a pedestrian walking across. But they were not interested in that. He asked about yield signs 100 feet from either side. The county said no. So he is being told by the county that he can't put signs up on his property. So that is why he is coming to the Board saying he needs somebody to be able to make sure, to be supportive of this idea. To ensure that we do not have another incident like this. If we started talking about lowering the speed that would be fantastic. Ideally he would like to have signage and be able to alert drivers that are coming out or that there are going to be pedestrians. The county at this point said they are not interested, if the county can be persuaded.

Councilman Nathan Thomas stated he thinks the bigger problem with this and it's not just here. But if the county supports the crossing to Stony Creek Ranch then they have to support all the crossings at every motel on Route 9 in Bolton Landing.

He understands the effects of what happened to you but we have been in Stony Creek all of our lives. This is the first incident at 1000 Acres that relates to a golf cart. Even with a golf course in the middle of the lower blind corner, obviously we are all seeing the same thing. The speed is 55 and that needs to be enforced first. He would defiantly support the lighted signs that tell you what your speed is. That would be a good start. If the county would work with us on that, at least to tell what people are driving beyond the speed limit? Mr. McLean stated he started with that. That's what he would like to have on the resort property but the County said at this point that this doesn't warrant. He asked what would warrant it and couldn't get a clear answer. He thinks they said it was at one point a Federal issue.

Councilman John Thomas stated he knows when they had several guests and they were teenagers he assumes. A group of them came up the hill and a vehicle was coming through going toward Warrensburg and couldn't see them until they were in the road. There was probably 15 or 20, they were behind the sign and he never saw them until he got to the sign. You don't see anybody there until you're at the sign. Mr. McLean stated the sign is going away. Councilman John Thomas stated he thinks that will help out a lot. Not only the drivers will see whose coming out but whoever is crossing can look up and down the road before they cross. Mr. Prybylski stated you also have the bend in the road too. That's an important part. We all agree on the signs so why not just do the flashing sign and drop the speed limit to 40.

Supervisor Thomas stated he is gathering the Board isn't interested in lowering the speed limit. Councilman Carl Thomas stated if you don't enforce what you have now. Councilman John Thomas stated if there is a chance of getting the county to move the flashing light or install another flashing light, if they are going to use the property where the golf course is at a later date, then obviously that will stay there. A flashing light does get your attention and almost everybody that lives here knows when the golf course was opened you slowed down and a flashing light reminds you to do that. An electronic sign advertising the ranch vs what they have now would work. You know you're coming upon something because it's going 24 hours a day. Something like that may help you out. Mr. McLean stated the ranch has been there since 1945. Councilman John Thomas stated he thinks everybody knows that ranch was there but it's been kind of dormant a little bit and the usage is probably going to change. You're looking at more activity there then what it's been in the past.

Mr. McLean stated he is afraid that investors in the property are skittish. After this event, to tell them that nothing can be done and they are open to another incidents because the county will not assist, like putting signs up and we can't lower the speed limit. He is asking them for millions of dollars for investment in the property that may weigh in their decision. So it's a question of whether the resort is able to get the investment because of the safety of the guest and right now that is a question that's bought up to him multiple times every time he speaks to them. What is going on to ensure that we have traffic signals or do something to prevent another incident crossing the road. He is planning on doing renovations November 1<sup>st</sup>, so for him to go back and tell his investors, this is what's occurring it is going to be helpful.

Councilman John Thomas stated the county, if he is not mistaken, the county has the final say of what occurs on their roads. Supervisor Thomas stated they do.

Councilman John Thomas stated he doesn't know how long it took them to get the flashing light at the golf course but he is sure it took quite a while to get that in. Supervisor Thomas stated he keeps pushing for a flashing light. He has tried to get the sheriff to come over and do some enforcement. Councilman Nathan Thomas stated they have towable units. They can bring them over for two months. Mrs. Lochmann asked from the Grist Mill up toward Stony Creek its 45, so how was it designated from what point. Why is it 55 in the ranch area and everywhere else it's either 45 or 35 or curved roads. Supt. Bradley stated the white signs are your mandatory speed limits, the others are cautionary. Coming into town they probably did a study at one point and they decided to slow that down. The yellow signs are recommended speeds, its nothing enforceable. Supervisor Thomas stated we will start with some enforcement. He will asked them to bring a tow behind light over here and tell them he doesn't see why the business owner feels that signage couldn't be and shouldn't be introduced. He doesn't understand why he is being told he can't. Supervisor Thomas will start with them. Councilwoman Ryan stated if the signage doesn't work we will have to go a different route. Its' something that will have to be done. Supervisor Thomas stated he was told that they are going to dig the bank back as much as they can. Councilman Nathan Thomas asked if that was in front of the ranch or the far corner. Mr. McLean stated if you're coming from Warrensburg toward the ranch, it's that corner just before the barn. They said they would be doing this and he said he would grant permission to move that embankment as much as necessary. What we would ask in return is permission to be able to put signage up. He thinks that would be a fair trade.

Budget transfer:

111-16. A resolution was made by Councilwoman Ryan seconded by Councilman Carl Thomas Authorizing the following budget transfer:

Debit Fund Balance in the amount of \$15.96.

Debit SF9040.8 Workers Comp. in the amount of \$.13¢.

Credit SF9025.8 Service Award in the amount of \$16.09.

Roll call vote, Councilman Carl Thomas-Yes Councilman John Thomas (Member of the fire co)-Yes, Councilman Nathan Thomas (Member of the fire co.)-Yes, Councilwoman Ryan (Member of the fire co.)-Yes, Supervisor Thomas-Yes.

From the floor:

Councilwoman Ryan stated the Stony Creek Fire Co.'s car show will be held on Sunday September 25, 2016 from 10:00 AM -3:00 PM.

Valerie Cutler asked how Supervisor Thomas made out getting the speed signs for entering our little town. Supervisor Thomas stated the portable signs? Mrs. Cutler stated you were looking into either the flashing. Supervisor Thomas stated it was suggested we get the portable signs at this time and they are being used so they haven't gotten here yet. However in next year's county budget there is provisions for at least two more portables. We talked about buying two months ago but it came down to, if we didn't have the enforcement we don't need them.

That's the message he got that's why he didn't pursue it. He is willing to look into to it more. Supt. Bradley would like to know if the sheriff's dept. can be contact or a letter or something about the black marks on the roads in town. Supervisor Thomas suggested writing a letter to the Editor and to the Board of Supervisors complaining we don't get any law enforcement over here. We could hire our own Peace Officer and have him or her start writing tickets and maybe get the county to subsidies seeing they aren't doing what they are supposed to be doing.

Mrs. Cutler asked about the phone and Wi-Fi at the park. Supervisor Thomas stated the Wi-Fi is in at the park. He didn't pursue the cell phone because you have to pick a certain provider.

Supervisor Thomas reported the sheriff did indicate they built a tower in Warrensburg. They got a permit from APA and constructed a tower and they built one in Luzerne and Stony Creek was to be the third. It's his understanding that they want to do this sooner than later. Mr. Lemery was saying this Fall. The two sites they identified is either at the transfer center or behind the town hall. How tall it will be he's not sure. This is for emergency communications. Once you have the tower there's a possibility of getting Verizon or ATT to locate at the tower for cell phone service.

Supervisor Thomas stated a meeting will be held on the 2017 Town Budget on October 4<sup>th</sup>, 2016 at 6:30 PM.

A motion was made by Councilman Carl Thomas seconded by Councilwoman Ryan to adjourn the meeting at 8:25 PM. All in favor, motion carried.

Respectfully submitted,

Susan Harrington, RMC  
Town Clerk