

November 16, 2010

The regular Town Board meeting of the Town of Stony Creek was held on November 16, 2010. Supervisor Thomas called the meeting to order at 7:01 PM with members present:

Councilman Dale Aldrich

Councilman Stanley Ross

Councilman William Liebl

Councilman Harry Paul Gill

Attorney James Cooper

The public notice to receive bids for a new multi purpose dump body and plow equipment published in the Post Star was read. Two bids were received.

TNT in the amount of \$62,813.00

Arrowhead in the amount of \$60,986.00.

Supervisor Thomas stated that the Highway Superintendent should review the bids and make sure of the specifications. He also stated we do have more discussion on this further in the meeting when we get to old business. He thinks the Highway Superintendent should review the bids. Supervisor Thomas thanked them for submitting their bids.

October 19th, 2010 minutes. A motion was made by Councilman Ross seconded by Councilman Gill to accept the October 19th, 2010 minutes. All in favor, motion carried.

November 3, 2010 minutes. A motion was made by Councilman Gill seconded by Councilman Ross to accept the November 3, 2010 minutes. All in favor, motion carried.

110-10. A resolution was made by Councilman Ross seconded by Councilman Aldrich to pay the General Fund bills in the amount of \$14,767.24.

Discussion:

Councilman Liebl asked about the following bills:

Glens Fall Animal Hospital bill in the amount of \$22.00 for rabies shot. Supervisor Thomas stated we paid for that, the dog was taken over there and someone wanted to adopt it. We paid for the rabies shot and were re-imbursed for the rabies shot. Councilman Liebl asked if we took the dog there. Supervisor Thomas stated yes the dog control officer did.

Maxine Zwartkay for \$7.50 is that for the same dog. Supervisor Thomas stated its mileage, she has been charging us mileage for about 6months or more. Councilman Liebl stated she is entitled to that.

Pallette Stone in the amount of \$443.36. At the museum, what were? Supervisor Thomas stated we built a parking lot, or the highway dept built it. They did a nice job too. Supervisor Thomas stated this is the start of the trail system. Councilman Liebl stated this is the trail system it isn't the driveway going in. Supervisor Thomas stated no, this is the parking lot for the trails.

Roll call vote, all in favor.

111-10. A resolution was made by Councilman Aldrich seconded by Councilman Liebl to pay the Highway Fund bills in the amount of \$13,680.17.

Discussion:

Councilman Aldrich asked about the NAPA bill there were invoices that weren't documented. Supt. Bradley stated he called them to have them faxed up here and they never did it. We can hold off on that and pay it next month. He did call them and ask them to specifically fax the invoices.

Supt Bradley stated the tires. Councilman Gill bought up a good point. Adirondack Tire and Warren Tire are both State Contract he had a problem getting tires we needed so he ended up going to Warren Tire. They are both State Contract. Councilman Gill was wondering why he didn't go with Adirondack Tire, which is cheaper, in a private industry it might be cheaper for somebody. On State Contract there is no low price. Roll call vote, all in favor.

Town Clerk report:

Conservation licenses	\$55.44
Cemetery book	10.00
Faxes	5.00
Copies	<u>1.25</u>
Total Town Clerk fees	71.69
Dog licenses	<u>30.60</u>
Total town revenues to Supervisor	102.29
County Treasurer for dog licenses	9.40
NYS Ag and Markets	6.00
NYS Department of EnCon	<u>1287.56</u>
Total disbursed	\$1405.25

Correspondence:

Dog control log for October 2010

Renee Hall-permission to use the town hall for a Birthday Party November 28, 2010.

Cole Sumner & Vicky Burdick- permission to use the town park April 30, 2011 for a Wedding and Reception.

A motion was made by Councilman Aldrich seconded by Councilman Ross authorizing Renee Hall to use the town hall for a Birthday Party November 28, 2010. All in favor, motion carried.

A motion was made by Councilman Ross seconded by Councilman Gill authorizing Cole Sumner and Vicky Burdick to use the town park for a wedding and reception on April 30, 2011.

Discussion:

Councilman Liebl asked if we charge anything for out-of-towners. Supervisor Thomas stated we never have. Probably should we end up cleaning up after them. That might be something we can do. Some people clean up after themselves real well other people don't. Councilman Liebl stated that is why he was wondering if we charge. We don't charge local but. Supervisor Thomas stated it's one thing if the person is a resident of the town it's another thing if your cleaning up and they are not. All in favor, motion carried.

Old Business:

Dog control law:

7:17 PM. The Public Hearing notice on Local Law #1 of 2010 Dog Control law published in the Post Star was read.

Being no comments, Supervisor Thomas reported the law that we had proposed, and we may have to have another public hearing he will leave that up to our attorney, and the one that the Board has before them, he went through it this morning and since then he had gotten a copy of the Town of Warrensburg Local Law, he went through and added the one amendment that we talked about from the last meeting, Section 6 (b) in italics. He also went through and corrected spelling errors and inserted some sections in the Town of Warrensburg's law that he thought would enhance our law. The corrections and addition are in italics. Supervisor Thomas went through the law and pointed out the corrections and additions. So he did make changes to it, he feels it makes the law better, makes it clearer. Supervisor Ross stated it seemed to.

Supervisor Thomas stated this is his opinion, if the board doesn't agree we can take some of it out. Councilman Aldrich stated he makes a motion to accept it the way it's written.

Attorney Cooper stated what we have to do is approve it in a form we deem final and thinks we will have to publish again and come back next month because the Municipal Home Rule Law says it is suppose to be on the desks of Board Members for a full week or mailed to them in 10 days before the meeting at which you vote on it, This is the first time all of you have seen it is tonight. Supervisor Thomas stated right. Attorney Cooper stated so what you should do is clean it up and if you agree with the additions Frank has made then you pass a resolution that you are going to publish this and schedule it to a public hearing next month which is the last month in which we have to do this because State wide it goes into effect on January 1. So you have to get it done next month. All you need is a resolution to do that, he doesn't think you have to act on the one that was before the Board tonight, there is no compulsion on the part of the Board to do that and in theory the public hearing on that one is over but you don't have to vote on it you need a motion to go forward on that and if the Board has decided that this is the way they want to go then no motion will be forth coming and we can proceed and act on this next month.

Supervisor Thomas stated it is up to the Board, like he said he thinks it straightens up a few mistakes that were in this law that we proposed. Councilman Ross stated it makes sense.

Supervisor Thomas stated there is clarity to it, one part Section 9 "Condition For Keeping Dogs", he thought that this was the only part that might be objected to possibly.

Supervisor Thomas stated if nobody objects to the changes we can reschedule another Public Hearing for December 21st, 2010.

112-10. A resolution was made by Councilman Gill seconded by Councilman Ross to hold a public hearing on the amended Local Law #1 of 2010 December 21st, 2010 at 7:00 PM. Roll call vote, all in favor.

Equipment:

The purchase of the new truck and how to finance it.

Supervisor Thomas stated the price for the Western Star is \$129,343.00. He calculated we could pay for the truck itself and don't have the cash to pay for the plow or box. Which is part of the reason we went out to bid because we have to apply to the State Comptroller for permission to borrow the money.

The way he figured was take Highway Fund Balance, which is \$163,129.00 take \$104,343.00. Leaves \$58,786.00, there is \$25,000.00 in this years budget for equipment and if you add that it is \$129,343.00.

The \$64,000.00 (box and plow equipment) he would propose we borrow it, he doesn't know how else to do it. Councilman Ross stated you have to get permission from the Town Board to do that. Supervisor Thomas stated yes. There is an application that has to be made to the Comptroller's Office. Supervisor Thomas asked Attorney Cooper if a Public Hearing had to be held to borrow this amount of money. Attorney Cooper stated he doesn't remember. Supervisor Thomas isn't sure if this is a higher amount of money to borrow the money or not. Councilman Ross asked if this was a formality or do they have to give permission to borrow the money before we can do it. Supervisor Thomas thinks we would have to have this when we go to the bank. Councilman Ross stated is there any chance the Comptroller is going to say you can't do it. Supervisor Thomas stated he supposes it is possible but doesn't think it will be a problem. It never has been in the past.

Councilman Ross stated he didn't know that is why he asked.

Attorney Cooper stated he doesn't think you are going to get a quick answer from him. He thinks the last time we did this we did get public approval. Supervisor Thomas stated we can check into this if that is what we want to do.

Councilman Aldrich asked if the price on the truck is still the same as it was? Supt. Bradley stated yes, it could go up pretty soon, it's going up at some point, it's not going down. If your planning on buying a truck, your saving money because your going to have new emissions here pretty soon at some point. Supervisor Thomas stated if you think we are going to buy the truck we have to comment to borrowing the money to buy the box and plow or we are going to have a truck with a frame setting down there. If we are going to do, we are going to do it. Supt. Bradley stated there is no argument on buying, it's whether or not we will be able to borrow it to pay for it. Supervisor Thomas stated yes, maybe we should authorize Neil to go ahead and purchase the truck it takes three months. He asked the bidders how long the prices were good on the box and plow equipment, if it would keep for a month or month and a half. The bidders stated yes. So we'll authorize the Highway Superintendent to order the truck and encumber the money and also pass a resolution to make application to the State Comptroller to borrow \$63,000.00. Attorney Cooper stated it looks like it would be subject to Permissive Referendum. It doesn't look like a Mandatory Referendum. But I don't want you to relay on that he would like some time to look at it and give a more formal opinion. Supervisor Thomas suggested maybe we schedule a public hearing for this on the 21st of December and if we find out that it isn't necessary before we publish it. Supervisor Thomas stated we should pass a resolution for Neil to order the truck that way we would encumber the money. Councilman Aldrich stated without the comptrollers, so we can borrow the money. We should know if he is in the canoe with us, it would probably be a phone call. Supervisor Thomas stated we need a resolution authorizing himself to apply to the Comptroller, they also talked about a certified resolution for a public hearing, need to know the exact price, the rate, what bank we are getting it from, the assessed value of the town, current debt, the purpose, which is a necessary expense because, current funds available to fund this project, tax rates for the school, any special districts.

Supervisor Thomas stated the first thing would be a resolution authorizing him to apply for this and we will let Neil, Superintendent of Highways review the bids and we'll have to get together again to award the bid.

Supt. Bradley stated the worst scenario, there is \$25,000.00 budgeted for next year, we aren't figuring that amount. This year's \$25,000.00 and next year \$25,000.00 and if we had to he knows no one wants to, if we did have a truck we still could use CHIPS money if we had to. Supervisor Thomas stated we could cross that bridge when we get there. Supt. Bradley stated you would be looking at \$30,000.00 more. Supervisor Thomas stated he doesn't think he is worried about it he just thinks we should get the approval first rather than go ahead and get the truck. He doesn't anticipate a problem.

113-10 A resolution was made by Councilman Ross seconded by Councilman Gill authorizing the Supervisor to make application to the State Comptroller offices for the issuance of serial bonds in the amount of \$63,000.00 for purchasing a new tandem truck box and plow equipment. Roll call vote, all in favor.

Supervisor Thomas asked Attorney Cooper to check to see if a Public Hearing will need to be held and if we do he will schedule it for December 21, 2010 and if we don't he will let the Board members know either why.

Committee reports:

Landfill: Supt. Bradley asked what is up with the fuel. Supervisor Thomas stated they put kerosene in it instead of fuel oil. Supt. Bradley just wanted to make sure they didn't change it, he will take half of it and put diesel fuel in it and put that in the highway dept.'s tank. It will run on kerosene but it really isn't safe. Supervisor Thomas stated it runs better on fuel. His intent was to full it up with no.2 fuel oil and put an additive to it. Supt. Bradley stated he is going to not cut the highway's fuel. All the trucks are inside and the tanks are heated so he doesn't think he is going to have any trouble. We should save a pretty good chunk. Maybe in January do it one time but usually we have it by now, they start cutting the fuel by now.

New Business:

Supervisor Thomas reported he attended a meeting at Lake George, The meeting was about the Iron Man Triathlon they have been doing this for about five years over in lake George and next year they want to have it on Labor Day and they are also having a bike race. They will be coming through town here.

The county went out to RFP (request for proposals) for operators for the railroad and got three back one was from the operator we have now, one wasn't much to write home about and the third one was from a company from Iowa Pacific, they operate eight railroads. They have six in this country two in England, four from this country they have excursion trains. Their main business is freight. They put in a proposal and if we can come to an agreement we will contract with them. They want to operate on this line they feel they can bring in freight business. He thinks this will be a great thing. He thinks the railroad might actually become something. It sounds very encouraging and very positive, they have the capital behind them. The excursion, scenic train is just a sideline to them they know they aren't going to make money on it. Their thing is freight.

Councilman Liebl asked on our lines, who is going to be using the freight?

Councilman Aldrich stated that Barton Mines is going to be big. Iowa Pacific will be hauling Barton Mines freight out of there they have been in contact with them.

Supervisor Thomas stated they have done their homework they have been around here through the summer and they said they were in the six figures putting this proposal together as far as background work. Someone asked them about the freight and Iowa Pacific told them about Barton Mines and logs, they are 4 & 5 on the list so they have other ideas. They have a feeder train to Saratoga, so a person could get on here in Stony Creek and go to Saratoga and go wherever you want to go. Supervisor Thomas thinks this is something that will amount to something.

114-10. A resolution was made by Councilman Aldrich seconded by Councilman Ross authorizing the following budget transfer:

Debit A1990 Contingent in the amount of \$5000.00.

Credit A8160.4 Refuse and Garbage in the amount of \$4407.95

Credit A1110.4 Justice Contractual in the amount of \$592.05.

Roll call vote, all in favor.

115-10. A resolution was made by Councilman Aldrich seconded by Councilman Ross authorizing the following budget transfer:

Debit A3389 Justice Court Grant in the amount of \$1281.95

Credit A1110.4 Justice Contractual in the amount of \$1281.95.

Roll call vote, all in favor.

From the Floor:

Dave mcrey, Viking snowplow manufacturing equipment that is on the table. He would like to thank the Town Board for the opportunity to submit a bid for the box and plow equipment.

7:57 PM A motion was made by Councilman Ross seconded by Councilman Aldrich to go into executive session to discuss union matters, possibly opening up the union contract. All in favor, motion carried.

8:15 PM a motion was made by Supervisor Thomas seconded by Councilman Aldrich to go back into regular session. All in favor, motion carried.

Supervisor Thomas reported that no action needs be taken. They discuss the possibility of reopening the union contract.

A motion was made by Councilman Ross seconded by Councilman Liebl to adjourn the meeting at 8:16 PM. all in favor, motion carried.

Respectfully submitted

Susan Harrington
Town Clerk