

March 6, 2012 Special Meeting

The Special Town Board meeting of the Town of Stony Creek was held on March 6, 2012.

Supervisor Frank Thomas called the meeting to order at 6:30 PM with members present:

Councilman Nathan Thomas

Councilwoman Doreen Ryan

Attorney James Cooper

Absent: Councilman William Liebl

Councilman Harry Paul Gill

Supervisor Thomas stated there are two purposes that he called this meeting for.

Disposition of the tandem truck-1997 L9000:

The towns insurance company has done an appraisal on it and we have actual cash value on the truck with a \$500.00 deductible. There are two options:

Option 1. They will allow us \$37,700.00 for the truck. They allowed \$342.00 for recent improvements, which was the clutch and battery. This is a total of \$38,042.00 minus the \$500.00 deductible, which ends up being \$37,542.00. With that option the insurance co. will take the truck and they would need a lien free title and Power of Attorney.

Option 2. Is to allow the \$38,042.00 and subtract a salvage fee of \$4708.00 for a total of \$33,334.00 minus the \$500.00 deductible, which leaves \$32,834.00 and the town, keeps the truck.

Councilwoman Ryan stated she goes with option 2. Councilwoman Ryan stated we would have the truck for parts. Supervisor Thomas agreed.

Attorney Cooper asked what happened to the truck. Supervisor Thomas stated it went off the road. Attorney Cooper stated it's totaled. Supervisor Thomas stated he thinks so, Superintendent Bradley stated yes it's totaled. They took the nose off the frame and the box in the back.

Supervisor Thomas stated actually the \$32,834.00 is \$3000.00 more then the first offered. Supt. Bradley kept bugging and kept at them and this is there finally offer.

Councilwoman Ryan stated she would defiantly keep the truck.

063-12. A resolution was made by Councilwoman Ryan seconded by Councilman Nathan Thomas to accept Option two: to allow the \$38,042.00 and subtract a salvage fee of \$4708.00 for a total of \$33,334.00 minus the \$500.00 deductible which leaves \$32,834.00 and the town keeps the truck. Roll call vote, all in favor.

Supt. Bradley stated the tire and battery are a couple thousand bucks; it has a new battery and brand new tires on it. Councilman Nathan Thomas stated you just went thought so it is defiantly worth salvaging. Supt. Bradley stated if we find another truck then we will have to try to transfer the box on it if that is possible. Supervisor Thomas asked if he thought we could keep the motor. Supt. Bradley stated he thinks so. If we can find a truck with an N14 motor we would be smart to keep it but if not we can sell it plus the axles.

Highway-Garage:

This is to get an engineer on board with the town. He contacted one, Tom Suozzo from Cedarwood Engineering. He came by and looked at the situation with the floor drain and the letter DEC sent to the town. He talked to the water quality person at DEC. Mr. Suozzo's proposal is \$2000.00 to do the necessary engineering services for the development treatment system and a PE Stamp design, drawings and Hazbuilt as required by DEC. He will also prepare investigative work plan and address any contamination and testing. He is retired from DEC, he worked for them for about 30 years in Syracuse, he is currently working with the Towns of Warrensburg, Thurman, Bolton and Chestertown he has a good relationship with DEC. He knows what they expect and knows what he can get by with. Councilwoman Ryan asked if we know when we first built the garage if the contractor had it bonded at all. Attorney Cooper stated only for the construction to get the structure complete. What we are talking about suing the architect is a multiple layer of problems there at the least and he is dead. But the Statue of Limitations start when he finishes his job and it's a three-year Statue of Limitations and there are other issues there. In this circumstance you would like to say it's somebody's fault, it maybe, but we don't have a remedy to pursue.

Attorney Cooper stated if we hire this gentleman, it looks like he found the right guy but he thinks Mr. Suozzo should be approached to see if he would do for the fee he is going to charge us, that if required, if he prepares the SPDES Permit for us too. DEC thinks we are discharging water into the environment and we need a SPDES Permit. Mr. Suozzo is better qualified to do this. Attorney Cooper has never done one but could stumble though it but with this circumstance we don't really want to proceed that way. Supervisor Thomas stated he did mention that when he was here. He didn't come out and say he would prepare one but he is sure he understands the best part of it. Before we do any treatment we are going to have to have one.

Supervisor Thomas stated his recommendation is, rather than getting a bunch of engineers here, two or three different ones and with his experience with engineers that \$2000.00 is pretty reasonable. Attorney Cooper stated it is professional service so you're constrained by any bidding process. There are no impediment lawful proceedings to hire this guy tonight. Supervisor Thomas stated he is working with at least four surrounding towns. They all speak highly of him.

Supt. Bradley asked if he knew how much that would cost. Supervisor Thomas stated he didn't know he didn't say because he didn't know what they wanted. To do it properly he thinks the water has to go out on top of the ground not into the ground. You have an oil separation system and then whatever is discharged is discharged on top. Supt. Bradley stated it must be a pump that comes off the bottom and pumps off. Supervisor Thomas stated he would have to design a system and then we will have to test where the drain pit is, that will have to be tested, any contaminations will have to be cleaned out. Supt. Bradley stated we dug it up and didn't see anything. Supervisor Thomas told him that and that it hasn't been there long. When DEC was here and Mr. Suozzo did mention the old garage. They might be looking at an issue with that also. Attorney Cooper stated we don't store any vehicles in there. Supervisor Thomas stated yes we do but it's cold storage. Supt. Bradley stated maybe the drains will have to be filled up with cement. Supervisor Thomas wasn't sure. Attorney Cooper stated we will find out when we have our meeting next week.

Attorney Cooper asked where the money will come out of in the budget. We certainly didn't budget for it we didn't anticipate this problem. Supervisor Thomas stated for now we will problem take it out of the garage code depending on how much it cost it will probably end up in Fund Balance.

064-12. A resolution was made by Councilwoman Ryan seconded by Supervisor Thomas to accept Tom Suozzo from Cedarwood Engineers proposal in the amount of \$2000.00 to do the necessary engineering services for the development treatment system and a PE Stamp design drawings and AS Built as required by DEC. and also prepare investigative work plan and address any contamination and testing. Roll call vote, all in favor.

A motion was made by Councilman Nathan Thomas seconded by Councilwoman Ryan to adjourn the meeting at 6:44 PM. All in favor, motion carried.

Respectfully submitted,

Susan Harrington
Town Clerk