

January 20, 2015

The regular Town Board meeting of the Town of Stony Creek was held on January 20, 2015. Supervisor Frank Thomas called the meeting to order at 7:01 PM with members present:

Councilman Nathan Thomas

Councilwoman Doreen Ryan

Councilman Carl Thomas

Attorney James Cooper

Absent: Councilman John Thomas

December 16th, 2014 minutes; Corrections:

Councilman Carl Thomas asked that the following changes be made under Assessment Page 272;

Line 2 change he to 'Councilman Carl Thomas'.

Line 3 change he to 'Councilman Carl Thomas'.

Line 4 change he to 'Councilman Carl Thomas'.

Councilman Carl Thomas stated there is so many he's you can't tell who's who:

Line 9 take out 'ok'.

Line 12 take out 'We started out of the year'. Change he to 'Councilman Carl Thomas'.

Line 17 change himself to 'Assessor Carl Thomas at that time'.

Line 18 change he to 'Councilman Carl Thomas'. Take out 'see', insert 'to look at'.

Line 19 change he to 'Assessor Carl Thomas' and after full agreement put a comma in there. After but put Peter because it's speaking of Peter again.

Page 273;

Line 1 take out 'or'. Ron Dickson is the Warren County Mapper.

Line 4 change he to 'Ron Dickson, Warren County Mapper'.

Line 6 change he to 'Councilman Carl Thomas'.

Line 7 take out 'and what he was and'.

Line 8 take out 'looking or thinking himself'. Change he to 'Councilman Carl Thomas. After Albany insert 'with'.

Line 11 change he to 'Peter'.

Line 19 change he to 'Councilman Carl Thomas'.

Line 20 change he to 'Attorney Cooper'.

Line 25 change he to 'Attorney Cooper'.

Line 27 take out the period after understood that.

Line 30 insert 'Attorney Cooper'. change he to 'Councilman Carl Thomas'.

Line 31 after happen next year insert 'that should not be waiting for a'.

Line 33 change he's to 'Attorney Cooper'.

Line 35 change he's to 'Councilman Carl Thomas'.

Line 36 change you to 'he'.

Line 40 change come to 'came'. Change he to 'Attorney Cooper'.

Line 43 take out 'it to'.

Page 274;

Line 13 insert a period after Assessors, take out 'and' put a capital T.

Line 14 after states that the insert 'certified', Councilwoman Ryan stated it already states 'certified' after the same amount.

Line 23 change is to 'It'.

Line 24 change breach to 'breeds'. Change second he to 'Attorney Cooper'. Third he to 'Councilman Carl Thomas' and the last he to 'Attorney Cooper'.

Line 25 change the first he to 'Councilman Carl Thomas'.

Line 26 change the first he to 'Councilman Carl Thomas', the third he change to 'Attorney Cooper'.

Page 275;

Line 4 after personally take out 'but he', after meeting insert 'but Councilman Carl Thomas'

Line 5 change he to 'Attorney Cooper', and the third he change to 'Councilman Carl Thomas'.

Page 277:

Line 1 take out kick insert 'critiquit'.

Line 3 change the first he to 'Peter' and the second he to 'Councilman Carl Thomas'.

Page 272 Supervisor Thomas asked that Sukoff be changed to 'Soukup'.

A motion was made by Councilman Nathan Thomas seconded by Councilwoman Ryan to accept the December 16th, 2014 minutes. All in favor motion carried.

January 3rd, 2015 minutes:

A motion was made by Councilwoman Ryan seconded by Councilman Nathan Thomas to accept the January 3rd, 2015 minutes. All in favor, motion carried.

033-15. A resolution was made by Councilwoman Ryan seconded by Councilman Carl Thomas to pay the General Fund December Final bills in the amount of \$7363.12. Roll call vote, all in favor.

034-15. A resolution was made by Councilman Nathan Thomas seconded by Councilman Carl Thomas to pay the Highway Fund December Final bills in the amount of \$10,613.46. Roll call vote, all in favor.

035-15. A resolution was made by Councilwoman Ryan seconded by Councilman Carl Thomas to pay the 2015 General Fund bills in the amount of \$12,049.43.

Discussion: Supervisor Thomas stated that \$8593.64 is for Workers Compensation.

Roll call vote, all in favor.

036-15. A resolution was made by Councilman Carl Thomas seconded by Councilman Nathan Thomas to pay the 2015 Highway Fund bills in the amount of \$68,840.78.

Discussion: Supt. Bradley asked how much of that was salt. Councilman Nathan Thomas and Supervisor Thomas stated about \$20,000.00. Supt Bradley asked what the other big payment was.

Supervisor Thomas stated there was approximately \$25,000.00 for the loader and \$11,000.00 for Workers Compensation. Supervisor Thomas reported that the total for the town's compensation was \$19,532.00. Last year it was \$36,494.00, which is a decrease of \$16,962.00 due to the county reworking the formula they use for the self-insurance program.

Roll call vote, all in favor.

037-15. A resolution was made by Councilwoman Ryan seconded by Supervisor Thomas to pay the 2015 Fire Fund bill in the amount of \$1859.73.

Discussion: Supervisor Thomas stated this is workers compensation bill for both the EMS and fire dept. Councilman Nathan Thomas stated the fire co. has only one DBA, the fire co has only one business how can they assess two? He knows that Warren County does their formula.

Supervisor Thomas stated he thinks the insurance cos go by if you have an ambulance. Last year it was \$6,626.80, which is a decrease of \$4,767.07. Roll call vote, all in favor.

Town Clerk report:

Conservation license	\$ 1.21
Death Copy	10.00
First 100 Years Book	<u>10.00</u>
Total Town Clerk fees	\$21.21
Dog Licenses	<u>10.00</u>
Total Town Revenues to Supervisor	\$31.21
NYS Ag. & Markets	2.00
NYS Environmental Conservation	<u>20.79</u>
Total disbursed	\$54.00

Correspondence:

Dog Control Log- November and December 2014.

Stony Creek Free Library-applying for bed tax funds in the amount of \$300.00 for music at the photograph show Friday February 27, 2015 at 7:00 p.m.

Stony Creek Free Library- Annual financial report

David Fisk and Shari Ward-permission to use the town park for their wedding reception on October 10, 2015.

Letter from Councilman Nathan Thomas regarding the Stony Creek Fire Company's finances from the fire co. Treasurer.

A motion was made by Supervisor Thomas seconded by Councilman Nathan Thomas authorizing David Fisk and Shari Ward to use the town pavilion for their wedding reception on October 10, 2015. All in favor, motion carried.

Old business: Code of Ethics:

Supervisor Thomas stated this is a proposed amendment to the towns Code of Ethics that Attorney Cooper drafted for the Board for last month. At that time we decided to take a month and review this and have time to look it over.

Attorney Cooper stated the recusal part, Section 8, perhaps someone who finds a problem with that but he doesn't think it's controversial in a sense that the State is going to take any adverse position on that. Section 9 is more complicated in current membership of the Town Board and the Volunteer Fire Co. Under Article 18 of the General Municipal Law the town is required to have a Code of Ethics and there are specific financial interests that are prohibited under State Law as it's a General Law, the Town can't enact a Local Ordinance or Local Law which contravenes Sections of a General State Law and the State Law provisions are fairly broad.

In the broadest sense it would inhabit what we can do as a Board when we have sitting members of the fire co. He isn't saying it will always be that way but looking at the annotations of the Statue again here the Comptroller's Office has waxed and waned on what is permitted. The worst case scenario was in the 1960's they said a Board Member who was an officer of the fire district, Vol. Fire District couldn't vote on the contract between the town and the fire district, establishing Fire Protection Services, which is the worst case scenario you have and then 10 years later you have the reverse opinion from the Comptroller's Office that says it would not be a Conflict of Interest.

We have some options here. You could pass on Section 9 and not approve it and let things continue just as they have been. Our problem is we're a small town in terms of population and people who are involved in the community frequently are members of the fire co. and in this case this particular administration three members of our Board are members of the fire co. So virtually we couldn't do any business relating to the fire co. if we took the narrowest view of the General Municipal Law. So you whiff and not do anything on that Section 9 just leave things as they are. Second option is to pass Section 9 with Section 8 and he believes it's the responsibility of the Town Clerk to file the amendments with the Comptroller's Office and we could wait and see what happens. They could bounce it back and say we can't do that. The annotation of these Sections says government understands you can't legislate morality or ethics, you can try to channel people in the right direction. The overriding emphasis's is on disclosure. So if there was an issue involving the fire co. and the town, the members of the board as a minimum should disclose to the audience that they are members of the fire co. But they don't derive any direct benefit as a result of the town's legislation any more than any other member of the fire co. or the community at large would because they have fire protection.

Supervisor Thomas asked if a member of the fire co. that sits on the board has to disclose each time that they are going to vote on something. Like we just paid a worker's comp. bill for the fire dept. Attorney Cooer thinks you want to comply with the letter of the law you can do that or maybe you feel at the beginning of the year when the new board was seated, there could be a declaration in the organizational minutes. The Board Members have this potential for a Conflict of Interest. Maybe that would be adequate. It would probably save a cumbersome procedure but he thinks you have to do something. The public has to know that this person is a member of the fire co. When their voting on a contract involving a fire co or Service Award Benefit.

Something like that or even Councilman Nate's Thomas letter. The Board decided to pass a resolution in regard to pursuing an inquiry into the contract we have with the fire co. whether they complied with financial disclosure that would seem maybe appropriate with the audience to know and the public, in the minutes of the meeting that the people voting on the matter some of them were members of the fire co.

Councilman Carl Thomas asked if there is a difference between establishing something new or perpetuating what already exists.

Attorney Cooper stated as he understands it Councilman he was asked to do this because some of the board members don't feel comfortable about voting on these issues without some direction and it's been going on probably 30 years, he would guess. Members of the Vol. Fire Co sat on the Board and voted and in a small community probably everybody in the audience knew who they were anyway.

Attorney Cooper stated that would be his second option is to leave things the way they are with regard to Section 9 rather than stick our finger in the state's eye and see how they respond to it. Councilman Carl Thomas stated as you indicated on this the B Section of 9 refers you back to Section 3, which is basically the same reiteration of it, he would think, if he understands it correctly.

Attorney Cooper stated 3E requires the Board Members to disclose private interest.

3B. DISCLOSURE OF INTEREST IN LEGISLATION:

To the extent that he knows thereof, a member of the town board and any officer or employee of the Town of Stony Creek, whether paid or unpaid, who participates in the discussion or gives official opinion to the town board on any legislation before the town board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.

Attorney Cooper stated he would be inclined to agree with Councilman Carl Thomas that is awful like the Section 9 that he came up with. Again the Statue assumes the public would be wise to sniff out corruption and the antidote to that is disclosure. So if there is much nudge, nudge, wink, wink going on with the Town Board and Fire Co. the next election they can throw the rascals out. That kind of thing emphasis is on disclosure.

Supervisor Thomas asked if Attorney Cooper thought a resolution or some Whereas in explaining where you get to Section 9 Part A would help. From time to time a majority vote of the fire dept. members a couple of Whereas would explain why the town is even entertaining doing this. Attorney Cooper stated it would be useful.

Supervisor Thomas stated otherwise it's just going to. Attorney Cooper stated it looks like you're giving them a free ride. It is probably necessary. Attorney Cooper stated if you want to sit on it another month he can rework Section 9 and try to work some of that in.

Supervisor Thomas stated just something explaining on how they arrived with Section 8 and why we're stating that. Attorney Cooper stated when it goes to Albany they're not going to care that we have 700 souls here and that we have limited members of the public who can serve on the board, willing to serve or run for office who aren't associated with the fire co. He thinks there a good chance we send it down and some bureaucrats are going to stick it in a manila folder in an appropriate place and that will be the end of it.

This will be tabled for the February meeting to get a couple Whereas in it.

Fire Co: letter concerning the fire dept. financials:

Councilwoman Ryan stated she received a copy of past reports of what the town put in and she did start something and hasn't finished it yet, she will have it by the next meeting. Supervisor Thomas asked if she had a copy of the contract, Councilwoman Ryan stated yes. Supervisor Thomas gave her copies of past years financial reports from the fire co. Supervisor Thomas stated what she gave the town wasn't the best way to approach it, listing each expenditure, she should categorize it. Councilman Nathan Thomas stated he is kind of like seeing something that draws it out a little better. He just is making sure everyone understands the contract and the fire co. has copies of it. We have the financials from the library and that's something to look into. It's been a couple years for the budget hearing since we've seen a budget from the fire co. and it's hard to hold them to any accounting status without a budget. Something like that is nice to see as well.

Supervisor Thomas stated we'll get through it, It's not always easy when there's a change internal, different people in the office doing the budgets, it's not always easy keeping up with that stuff especially as the way the State goes these days and the way things are going. But he is sure we'll make it.

Committee Reports:

Supervisor Thomas reported the following:

Occupancy Tax: He did sign an amended Occupancy Tax Agreement that will net the town an additional \$10,000.00 in Occupancy Tax funds probably by the end of January. Instead of \$30,000.00 each year we will get \$40,000.00. That was another negotiated reworking of how the County spends the Occupancy Fund. Supt. Bradley asked if there was a roll over balance of that every year. Supervisor Thomas stated yes, this year it's \$34,020.00.

Mini Park on the four corners:

CLA Sites, the engineer that's going to do some design work on the towns section at the Creek Center. Peter Loyola, Dot Bartell and himself walked down to the center and looked it over and talked about it. He thinks Mr. Loyola will be a good fit for Stony Creek. He didn't show up in a 3-piece suit. He acts like a type of person that understands a town like this. He will do well by us. Mr. Loyola did say he will draft up a preliminary sketch by the first part of February and at that time a committee will review it and then will probably have changes but when we get to two or three designs then we'll hold a public meeting. They had a good meeting and thinks it will work out and improve the corner.

Planning; Library:

Warren County Planning also applied to the Consolidated Funding Program to the State of New York on behalf of the Stony Creek Free Library, it's on behalf of the town. It's in the towns name because they were eligible recipients. Money is through the First Wilderness Heritage Corridor to complete their construction documents for the project on the church. The County and by way of the town the library was awarded \$45,000.00 with no match. The match will be provided by investment in work that the railroad has done. The anticipate proceeding to construction documents, on to construction, once they determine what they're going to do.

Dean Farm Project:

Sandy, Kathy and Bill are working one day a week refurbishing the wagons that were sitting up on the hill. They were getting to the point they were falling apart, so they're spending one day a week working.

New Business:

038-15. A resolution was made by Councilwoman Ryan seconded by Councilman Carl Thomas to enter into the contract between the Town of Stony Creek and the Glens Falls Animal Hospital for dog control purposes. Roll call vote, all in favor.

039-15. A resolution was made by Supervisor Thomas seconded by Councilman Nathan Thomas Authorizing the Supervisor to sign the snow and ice removal contract with Warren County for the fiscal year 2015 in the amount of \$180,450.00.

Discussion: Supervisor Thomas stated last year it was \$135,081.00. This is an increase of \$45,369.00. This was done through the budget process. Overall the County increased the Snow and Ice for all towns about \$238,000.00.

Roll call vote, all in favor.

Speed Limit request:

Supervisor Thomas stated he got a call from David Nizolek, Bit 'N' Bridle Ranch on Tucker Road last week and was complaining about cars speeding by his house. He has had two dogs that have been hit and one of his grandkids was almost hit. He's asking the town to consider posting that section of Tucker Road or all of Tucker Road. Supervisor Thomas stated he told him he would bring it before the board and see where we want to go with it.

Councilwoman Ryan asked what the speed limit is. Supervisor Thomas stated currently he thinks it's 55. Supt. Bradley stated on a Rural Road he thinks it drops down, he isn't sure. No matter what you do the sheriff could give them a ticket for imprudent speed. Supt. Bradley would like to stress this, if you do that one you'll be getting request all the time just like a "Children at Play" sign.

Councilman Carl Thomas asked which section are you talking about from the bridge pass.

Supervisor Thomas stated up around the ranch.

Supt. Bradley stated his best option would be to call the Sheriff's Dept. have them sit there.

Supervisor Thomas stated he did call the sheriff and thinks they basically told him that it was up to the Highway Dept.

Supt. Bradley stated, well it isn't. Stop, Yield and Speed Limit signs haven't got anything to do with him.

Supervisor Thomas stated he thinks he is looking for something so if someone speeds by he can swear out a complaint, which he probably can anyway.

Supt. Bradley stated yes, if they were reckless driving.

Councilman Carl Thomas stated get their license number and turn them in for reckless driving.

Supt. Bradley stated they will be checking all of our signs at some point. All of our signs need to be upgraded at some point. Supt. Bradley asked if he got "Horse Crossing" signs at some point. Supervisor Thomas stated not that he knows of.

Supt. Bradley stated they did for the Studer's that would be an option. Supervisor Thomas agreed. Councilman Nathan Thomas stated it's a short section of road and a sharp right he doesn't know how fast you can get going through there. He's been up there multiple times, none of his dogs are leashed, and they chase you from the house to the corner.

Supervisor Thomas stated we will look into it a little more and asked Supt. Bradley if he thought it might drop down below 55. Supt. Bradley stated yes, he thinks it does. He will look into too, he's pretty sure of it. No matter what, you can get unsafe speed on any road, road conditions. It's a dirt road, he knows it's not 55. Councilman Carl Thomas stated you wouldn't think it would be a high use area, it shouldn't be hard to identify.

Supt. Bradley stated the State would have to come in and do a test on it. Supervisor Thomas stated he believes so.

Attorney Cooper stated the procedure is for us to enact a resolution to go to the County Highway Supt. and with as much specifics as possible as the location and length of the section of highway that's going to be requested to be posted. Then they kick it up to the State and the State Engineers come look at it do a traffic study and maybe at that point they would see your signs and say they were not compliant. Like what happened to us down at the park. They said we should have a telephone, different signs and so forth and it caught us blindsided when they were doing a routine inspection.

040-15. A resolution was made by Councilwoman Ryan seconded by Councilman Nathan Thomas authorizing the expenditure of Occupancy Bed Tax Funds to the Stony Creek Free Library in the amount of \$300.00 to be use for music at the Photograph Show.

Friday, February 27, 2015 at 7:00 p.m. Roll call vote, all in favor.

Budget Transfers:

041-15. A resolution was made by Councilman Nathan Thomas seconded by Councilwoman Ryan authorizing the following budget transfer:

Debit A9010.8 State Retirement in the amount of \$11,752.20.

Credit Prepaid Expenses in the amount of \$11,752.20. Roll call vote, all in favor.

042-15. A resolution was made by Councilwoman Ryan seconded by Councilman Carl Thomas authorizing the following budget transfer:

Debit DA9010.5 State Retirement in the amount of \$17,628.30.

Credit Prepaid Expenses in the amount of \$17,628.30. Roll call vote, all in favor.

043-15. A resolution was made by Councilwoman Ryan seconded by Councilman Nathan Thomas authorizing the following budget transfer:

Debit Appropriated Fund Balance in the amount of \$34,020.47.

Credit A6410.4 Occupancy Tax in the amount of \$34,020.47. Roll call vote, all in favor.

044-15. A resolution was made by Councilman Carl Thomas seconded by Councilwoman Ryan authorizing the following budget transfer:

Debit Appropriated Fund Balance in the amount of \$631.15.

Credit A7180.1 Special Recreation in the amount of \$631.15. Roll call vote, all in favor.

045-15. A resolution was made by Councilwoman Ryan seconded by Councilman Carl Thomas authorizing the following budget transfer:

Debit A1120.4 Supervisor Contractual in the amount of \$149.21.

Credit A1410.4 Town Clerk Contractual in the amount of \$149.21. Roll call vote, all in favor.

046-15. A resolution was made by Councilman Nathan Thomas seconded by Councilman Carl Thomas Debit A1010.4 Town Board Contractual in the amount of \$644.31

Credit A9030.8 Social Security in the amount of \$644.31. Roll call vote, all in favor.

From the floor:

Supervisor Thomas reported that Settlement Day will be held on February 17th, 2015.

A motion was made by Councilman Nathan Thomas seconded by Councilman Carl Thomas to adjourn the meeting at 8:09 P. M. all in favor, motion carried.

Respectfully submitted,

Susan Harrington, RMC
Town Clerk