

February 21, 2012

The regular Town Board meeting of the Town of Stony Creek was held on February 21, 2012. Supervisor Thomas called the meeting to order at 7:01 PM.

Members present: Councilman Harry Paul Gill
Councilman Nathan Thomas
Councilwoman Doreen Ryan
Attorney James Cooper

Absent: Councilman William Liebl

January 17th, 2012 minutes

A motion was made by Councilman Gill seconded by Councilwoman Ryan to accept the January 17th, 2012 minutes, all in favor, motion carried.

052-12. A resolution was made by Councilman Nathan Thomas seconded by Councilman Gill to pay the General Fund bills in the amount of \$10,352.90. Roll call vote, all in favor.

053-12. A resolution was made by Councilman Gill seconded by Councilwoman Ryan to pay the Highway December Final bill in the amount of \$4244.63. Roll call vote, all in favor.

054-12. A resolution was made by Councilman Gill seconded by Councilman Nathan Thomas to pay the Highway Fund bills in the amount of \$65,744.99. Roll call vote, all in favor.

Town Clerk report:

Death copies	\$50.00
Faxes	<u>3.00</u>
Total Town Clerk fees	53.00
Dog License fees	<u>65.00</u>
Total town revenues to Supervisor	\$118.00
NYS Agriculture and Markets	<u>13.00</u>
Total disbursed	\$131.00

Correspondence:

Wendy Fuller and Ron Bordeaux-permission to use the Town Hall April 20th to set up and April 21st 2012 to hold a Birthday Party for their son.

1000 Acres Golf Club-renewing their liquor license.

Susan Harrington Town Clerk-permission to attend the Town Clerk Conference in Saratoga Springs April 22-25th, 2012.

Neil Bradley Supt. of Highways-permission to post the roads.

Warren County Youth Court- asking for the town to consider joining the Towns of Queensbury, Warrensburg and the City of Glens Falls in providing financial support for Youth Court and its valuable contributions.

Sue Brooks- asking the Town Board to approve Tutoring at the Stony Creek Library starting March 6th, 2012 on Tuesdays 3:30-5:30 PM and Wednesdays 6:00-8:00 PM. This will be available to all children grades Kindergarten through 12th grade and are residents of Stony Creek.

A motion was made by Councilman Gill seconded by Councilwoman Ryan authorizing Wendy Fuller and Ronald Bordeaux to use the town hall April 20th to set up and April 21st to hold their son's Birthday Party. All in favor, motion carried.

055-12. A resolution was made by Councilman Thomas seconded by Councilman Gill authorizing the Superintendent of Highways to post the town roads and the Superintendent of Highways use his discretion as in the past. Roll call vote, all in favor.

056-12. A resolution was made by Supervisor Thomas seconded by Councilwoman Ryan authorizing Susan Harrington Town Clerk to attend the Town Clerks Conference in Saratoga Springs April 22nd – April 25th, 2012. Roll call vote, all in favor.

Old Business:

Highway Garage: Bulk storage and floor drains.

Supervisor Thomas reported back last April DEC came here and did an inspection for bulk storage fuel tanks and found several discrepancies. Over a course of a month, month and a half we did address most of those. In the process of that they notice we had floor drains in the highway so they sent over some Specialist. We had it dug up what was there and they looked at it and didn't say anything and it ran along until two weeks ago and he got a letter from them listing everything all over again and threatened the town with fines and etc. The tanks have been addressed. The floor drains he doesn't know if they ever said we were in violation but he thinks at this point we need to probably contact some engineering companies and get an engineer for the floor drain part of it. He thinks the tanks have been addressed. He doesn't have the expertise to say what needs to be in the ground, what is in the ground, what permit we should have gotten in 2003. He has two or three engineering firms that he plans on talking to about this, he didn't want it to come as a surprise to anybody. We will probably have to have a special meeting at some point to choose one of them if he gets proposals from them. With the waiver that's on the agenda he figured at the same time we had an engineer he would talk to him about getting a waiver for the water testing at the landfill. We have been testing the water there for two or three years now and we can apply for a waiver. The results have never been interpreted for the town so we will have to have an engineer to interpret that. DEC won't tell you anything. He figured at the same time he would ask to address that. A meeting is set up with DEC on March 13th.

Attorney Cooper stated generally that over the last 20 years government as gotten more and more excited about petroleum distillates and there escape into the environment. So they have rules on rules that you wouldn't believe, layers of regulation and obligations that above storage facility has to comply with and we are by definition an above storage facility because we have over a 1100 gallons of petroleum products that we store on the property. Once that trigger hits we have to do a lot of things. When they came in April we didn't have some of the intanks painted or color-coded the way they wanted. There is quite a list of about ten items of concern that they sited us for. Its not a question of somebody being asleep at the switch or somebody having done something wrong, it's a question of this little town could be expected to be in compliance with the law when you don't know what the law is. He thinks Supervisor Thomas felt justifiably blindsided when they came here in April walked around made notes on their clipboard and didn't say anything and didn't make any suggestions as far as he knows.

Then three-quarters of the year later we get hit with a demand that we sign a consent order, which the terms are very harsh and almost indicate that we did these things consciously. He contacted the attorney for DEC in Ray Brook and it happens to be a lady who was quite friendly and she said what they want is to work toward compliance and not looking toward hammering Stony Creek or finding blame for this type of thing. They just want to bring this into compliance. He did erg her that this is where the town wants to be. So we have a meeting scheduled for March. The major item of concern that we have is we don't have any engineering solution for the floor drains situation. One would presume that snowplows come in there covered with snow into the heated garage, when the snow and ice melts off its going to go into those drains and its going to float whatever oil came off the trucks to the top and its going to go out into, what we have basically is almost like a septic system deal, we have a collection tank with an overflow that goes out into a cistern like a dry well and the State says effectively we need a speedy permit because we are discharging petroleum products out into the environment and we don't have one. We are hopeful that this attitude of cooperation expressed by the state lawyer will bear fruit or least carried forward when we meet with her and the DEC bureaucrats in Warrensburg at this March meeting. He doesn't want to minimize the fact that basically they are holding a club over our heads because they are threatening to pose substantial fines for our incompliance. So we are going to go in there and be honest and express a cooperative attitude to get this situation addressed and he thinks the idea that Supervisor Thomas had on getting engineers to see if they can look at our floor drains situation and come up with a engineered solution that we can show the state we are working toward that. He thinks that is the major problem but there are other minor problems like properly retiring some enactive tanks. The big tank behind the building, the 3000-gallon tank, the state has a specific painting requirement. Basically they want four coats on the thing to protect it from erosion. We have one but its in a shed so you would expect we don't need four coats. Maybe there is room for discussion with them. They said we spilled out of that tank, well probably what happened over the twenty years or so it's been there or longer when people filled it there might have been a little spill, less then half a cup of diesel that ran down the side of the tank and collected in the concrete container bin that's what they saw last April and that is one of the things they sited us for. To us some of this stuff seems minor but to them its technical violation and we hope to get these things all worked out at our meeting in March. Supervisor Thomas stated he has two engineering firms, Cedar woods and Jarret engineering and will go from there and see what they come up with for a price. Councilwoman Ryan asked if it was the number of drains on the floor. Supervisor Thomas stated there is pretty much a drain all the way across it. The floors are tipped supposedly tipped to the middle and there is heat in the floor so whatever is on the floor melts and goes in the drain. Councilwoman Ryan stated what if they were to cap the drains off and mopping the stuff out but you are going to run into the same problem weather you let it drain out getting it out of the building or if they push mop it out the door and that will cause ice. Supervisor Thomas stated he isn't sure what they recommend. Councilwoman Ryan also suggested pigmats, if they lay them under the trucks as the trucks drip off that will catch the oils. Attorney Cooper stated when Supervisor Thomas talks to these engineering firms they will help on the nature of the problem if these guys don't have any experience in that field we can weed them out. Councilwoman Ryan asked how long the garage has been built. Supervisor Thomas stated it was built in 2003. Attorney Cooper stated we paid a lot of money to an architect to do it right and he died.

Landfill:

Eastside Salvage/Auto Parts: metal proposal.

Supervisor Thomas reported that they take care of the scrap metal at the landfill/transfer center. The way it has been done in the pass we really never had a contract, this year they sent one and set a price. The price per gross ton for metals is \$240.00 and this includes Eastside providing a container and trucking to remove the metals, which they have done since we had them down there. The price was varied; it was never set like this. They are also offering \$70.00 per ton for the tin cans however we had an offer from Waste Management for \$200.00. They are also offering \$8.00 for each car battery. He doesn't think we have taken car batteries in quite a while but maybe at \$8.00 a piece if there isn't a problem having them stored or collected, if that isn't going to get us into another problem with DEC. Councilman Gill stated if you have them in a cage and have them marked. Supervisor Thomas stated at \$8.00 per battery that might be something to consider. Councilman Nathan Thomas stated with varying rates per ton for metal, what has it been running. Supervisor Thomas stated it has gone anywhere from \$70.00 a ton on the low end up to \$250.00 a ton. They also say that payment and weight tickets for the commodities will be mailed to them three days every receiving.

Councilman Nathan Thomas stated we should make a motion for the scrap metal and defiantly look into what we have to do with OASH and DEC for the car batteries.

057-12. A resolution was made by Councilman Nathan Thomas seconded by Councilman Gill to accept Eastside's proposal for scrap metals in the amount of \$240.00 per gross tons Roll call vote, all in favor.

Highway:

Item 1 Agreement for expenditure of highway monies:

Work listed on the agreement is for the following:

1. General repairs:

Street maintenance \$66,000.00 primary work and general repairs to town roads 39.2 miles.

2. Permanent improvements: CHIPS

A. Lanfear Rd. leading to Thurman 2 miles not over the sum of \$96,000.00.

B. Harrisburg Rd. to end 2 miles, which the amount was not put in for.

Supervisor Thomas stated this is work to be completed and wouldn't hesitate putting the money received from FEMA which is \$25441.50, 75% estimated cost of the project.

Attorney Cooper stated for the benefit of the two new Board Members. The public assumes the town board has control over all facets of town government but under the highway law and the way these things are set up. The Town Highway Supt. as an elected official does the job that he thinks is necessary to keep the highways in proper operating condition for the town. The two areas of control that the town board has over the Highway Supt. are the budgetary process. You can restrict the amount of money he has to spend entices the number of amount of employees subject to union contract and this. So this isn't some incidentally, this is one of the two aspects of control you have over the highway dept. Courts say if you want to negotiate this with Supt. Bradley this is your chance, there is no reason to negotiate these terms tonight because its pretty straight forward but he just wanted them to know that you only get two shots regulating the Highway Supt. and this is the second one. For your educational purposes.

Councilman Nathan Thomas stated he is talking about \$96,000.00 total on both projects? Supervisor Thomas stated he didn't think so, if he is going to pave 2 miles of road it's going to take \$96,000.00. Councilman Nathan Thomas stated \$25,000.00 if 75% of the estimate. Supervisor Thomas stated right but that includes hauling, labor and all that stuff. Where as with the \$96,000.00 at least the labor for the highway crew will come out of the \$96,00.00 along with fuel. Supervisor Thomas stated he would propose to set it at \$25,500.00 that's what that money is earmarked for.

058-12. A resolution was made by Councilwoman Ryan seconded by Councilman Gill accepting the Item I Agreement for expenditure of highway monies, which includes \$25,500.00 for Permanent Improvements B. Roll call vote, all in favor.

Councilman Nathan Thomas asked about the bids for the Property and Causality Insurance. Supervisor Thomas stated he is still working on the proposals and then they will be sent out.

Committee Reports:

Penflex: Stony Creek Fire Co.'s Service Award Program.

Supervisor Thomas stated we have an actuary the companies name is Penflex they did the actuarial calculations for the Service Award Program and each year around the first of the year there is a packet that comes, this is delivered to the fire department and Mr. Ross (Stanley) returned it to the Supervisor yesterday and now it's the town boards responsibility to review the list that's been updated and if we don't have any problem it's our job to sign this paper and return the package back to the fire department where they have to post it for one month and it comes back to the town and he signs another sheet and then it's sent off to the actuary who will do the calculations and along toward July or August we will get a bill of how much we should put into the annuity or bank to cover the fund.

Attorney Cooper stated again for the new members on the board if you don't know this. This program is set up to encourage people to become volunteer firemen and they get a very small pension at the end of their service if they accumulate enough points. That's what we are paying into here, is to maintain the pension account for economic liability. Supervisor Thomas stated the value of the account at the end of the year was a little over \$200,000.00 and there is probably close to \$5000.00 being paid out. That value fluctuates with the stock market also.

New Business:

Tutoring proposal:

Supervisor Thomas reported Sue Brooks went to him two or three weeks ago and wanted to provide tutoring for kids still in school and she wants to do this at the library. He told her he would present it to the board. It has been advertised somewhat. The library director was happy to do and started advertising this. He didn't think there would be a problem but he wanted to put it in front of the board. He didn't tell her a rate of pay so we don't have to do that at all.

Councilwoman Ryan stated this is two hours a night. Supervisor Thomas stated yes on Tuesdays 3:30-5:30 PM and Wednesdays 6:00-8:00 PM. It's 4 hours a week 8 hours a pay period. The youth director gets \$10.50 if you think you want to set a pay rate. To him he thinks a teacher, she is a certified teacher, he thinks we should pay her a little more then that in his opinion, but that is up to us.

Supervisor Thomas stated first of all do you think its a good idea. We have done this in the past, at least three years ago. Councilwoman Ryan stated she thinks its a good idea. Councilman Nathan Thomas stated it depends on how many students she gets, if nobody shows up then. Supervisor Thomas agreed. Councilman Nathan Thomas stated she will give the board information on what she works and who has been with her. Supervisor Thomas stated he assumes so. Maybe we should try it for a month and see how it goes. If she sits there for two hours and no one is taking advantage of it then maybe we will have to reconsider it. Councilman Nathan Thomas asked how much, Supervisor Thomas stated that is up to us, the youth director gets \$10.50. Councilwoman Ryan stated she is willing to do it and thinks this is fair rate. Councilman Gill stated start at \$10.50 and do a 30-day probation. Councilwoman Ryan stated yes and see how many people show up and she how busy she is going to be.

059-12. A resolution was made by Councilwoman Ryan seconded by Councilman Gill authorizing Sue Brooks to hold tutoring classes at the Stony Creek Free Library starting March 6th, 2012 on Tuesdays 3:30-5:30 PM and Wednesdays 6:00-8:00 PM. This will be available to all children grades Kindergarten through 12th grade and are residents of Stony Creek. The pay will be \$10.50 an hour to be reviewed in 30-45 days to see what the response is and how busy she is and go on from there. Roll call vote, all in favor.

Warren County Youth Court:

Supervisor Thomas stated they have had difficulty the last 2-3 years funding their operation they have been doing since 1999. They got the idea that they would write to the towns and ask for funds. This is entirely up to us. He doesn't know what the benefit is in Stony Creek he doesn't know if there are any kids that go through youth court process. As the letter stated Queensbury he thinks donates \$1000.00, but they have a considerable amount of kids. Warrensburg contributed \$1000.00 but they also have a lot of kids. Supervisor Thomas stated it is sort of a worthy program in a lot of ways. If your not familiar with it, the youth actually run the court room with a high school age person who is the judge, there is one who is the Prosecutor, Defense Attorney. Any youth going through the program has to admit guilt before hand or admit responsibility then there is a jury from a dozen to two dozen kids there age. They present the case, the Defense Attorney presents their case and then the jury deliberates and decides what the punishment is. Usually it is community service, drug training education or alcohol education. The people that run it are from the Council of Prevention. They organize it and do the community service and finds the projects. That would probably be the one benefit the town could reap from this is come up with a couple projects they could do and when they have someone that has to do community service they could come over here and do it. That would be the only benefit he sees for the Town of Stony Creek.

Councilman Nathan Thomas asked if we have ever had any youths in town that has ever used the program? Supervisor Thomas stated not to his knowledge no but that doesn't mean there hasn't been any. He did talk to the judge one time about it and he didn't think there had been.

Councilman Gill asked if there was a set price they want or just what we decide. Supervisor Thomas stated no, whatever we. No

Councilman Gill stated he would say help them out it's going to help with the youth straighten their lives out before they get out of hand. Supervisor Thomas stated yes, do you have any number in mind. Councilman Gill stated \$500.00 maybe.

Supervisor Thomas stated he would say not more than that. Councilwoman Ryan stated that seems a little high for us not having anybody involved, she would like to help too but. If that money could be used toward the kids in the Town of Stony Creek she would like to keep it in town. Supervisor Thomas stated he understands he told them he would bring to the board. He agrees with Councilwoman Ryan. Councilwoman Ryan stated we are a very small town and any funds we can keep in it, she will keep in town.

A motion was made by Councilman Nathan Thomas seconded by Councilwoman Ryan to take no action at this time. Councilman Nathan Thomas-yes, Councilwoman Ryan-yes, Councilman Gill-No, Supervisor Thomas-yes

Glens Falls Animal Hospital Contract:

Supervisor Thomas stated the purpose is for dog control if we need to euthanasia a dog. They will also board dogs. We don't usually do that in fact we don't ever do that he can't say we never have we did in the past. Fees vary from the size of the animal. Since Maxine has been Dog Control Officer we have not taken a dog over but if they had to euthanasia one NYS Ag and Markets wants us to have a contract.

060-12. A resolution was made by Supervisor Thomas seconded by Councilwoman Ryan authorizing the town to enter in to the contract with Glens Falls Animal Hospital for the year 2012. Roll call vote, all in favor.

Menu for Healthy Community funded by the NYS Department of Health.

Complete Street Proposals:

Supervisor Thomas stated the idea is anytime we do any work on the road we agree to if feasible, that we try to accommodate pedestrians and bicycles in our planning.

He doesn't think he is 100% for it; he doesn't want to commit the town in anything that we can't get out of. The \$5000.00 would help us out on the digital speed signs, crosswalks, signage, and bike tracks. We might better fund ourselves rather than get into this.

This will be tabled until the March meeting to give the town board time to review.

Copiers:

Supervisor Thomas stated in the basement of the town hall there is a copier, it was there before he got here, it was about the time we moved into the town hall and we have another four or five copiers or fax machines in the records room that are nonfunctional and he is asking permission to declare them as surplus and either give them away or take them to the electronic waste at the recycling center he feels they are of no value to us.

061-12. A resolution was made by Councilman Gill seconded by Councilwoman Ryan to declare the copiers as surplus and get rid of them. Roll call vote, all in favor.

Budget transfer:

062-12. A resolution was made by Councilman Gill seconded by Councilwoman Ryan authorizing the following budget transfer:

Debit Fund Balance in the amount of \$5000.00

Credit A8020.4 Planning in the amount of \$5000.00.

Roll call vote, all in favor.

Supervisor Thomas reported LaBerge will be holding a workshop meeting for the hamlet revitalization on Thursday February 23, 2012 at 6:30 PM. This is the 2nd vision workshop.

Attorney Cooper asked about the closing of the post office in Stony Creek.

Supervisor Thomas stated he hasn't heard anything.

Councilman Nathan Thomas stated the rural carrier contract was renewed for two-years instead of the four-year contract.

From the floor:

John Thomas stated on the drains, on a residential site you couldn't have drains in garages. This is a new NYS Law and asked if the garage was inspected by the county. Supervisor Thomas stated yes.

Patrick Zwartkay asked if this was a law that you could not have that drain. Supervisor Thomas stated he is going to say yes, it's not that we can't have it its just that we have to take care of what comes out of it. Mr. Zwartkay suggested putting the copiers on E-bay other towns are doing this. Supervisor Thomas stated maybe we should put them on E-bay maybe we can get a few bucks for them. He is willing to try that.

Supervisor Thomas reported a bill for a scanner will be in next months bills due to the new provisions of the NYS Open Meeting Law this will be used to make items available on the website.

A motion was made by Councilwoman Ryan seconded by Councilman Nathan Thomas to adjourn the meeting at 8:07 PM. All in favor motion carried.

Respectfully submitted,

Susan Harrington
Town Clerk