

June 20, 2017

The regular Town Board meeting of the Town of Stony Creek was held on June 20, 2017.

Supervisor Frank Thomas called the meeting to order at 7:02 PM with members present:

Councilman Nathan Thomas

Councilwoman Doreen Ryan

Councilman John Thomas

Councilman Carl Thomas

Attorney to the Town- Mary-ElLEN Stockwell

May 16, 2017 minutes; correction:

Page 14 change non-responding to Iam-Responding.

A motion was made by Councilman Carl Thomas seconded by Councilwoman Ryan to accept the May 16, 2017 minutes with this correction. All in favor, motion carried.

076-17. A resolution was made by Councilman Nathan Thomas seconded by Councilwoman Ryan to pay the General Fund bills in the amount of \$5,173.29. Roll call vote, all in favor.

077-17. A resolution was made by Councilwoman Ryan seconded by Councilman Carl Thomas to pay the Highway Fund bills in the amount of \$20,535.08. Roll call vote, all in favor.

078-17. A resolution was made by Supervisor Thomas seconded by Councilman Carl Thomas to pay the Fire Fund bills in the amount of \$2,290.56. Roll call vote, Councilman Carl Thomas-Yes, Councilman Nathan Thomas Member of the Fire Co.-Yes, Councilwoman Doreen Ryan Member of the Fire Co.-Yes, Councilman John Thomas Member of the Fire Co.-yes, Supervisor Thomas-yes.

Town Clerk Report:

Conservation Licenses	\$ 13.29
Cemetery Lot	<u>\$400.00</u>
Total Town Clerk Fees	\$413.29
Dog Licensing	<u>\$135.00</u>
Total Town Revenues to Supervisor	\$548.29
NYS Agriculture and Markets	\$ 27.00
NYS Environmental Conservation	<u>\$227.71</u>
Total Disbursed	\$803.00

Correspondence:

Dog Control Log-May 2017

Stony Creek Community Church-permission to use the town park for Church Services on May 21st, June 11th and August 20th, 2017.

Office of Rep. Elise Stefanik-permission to use the town hall on Thursday June 22, 2017 from 1-3:00 PM for constituent meetings.

Ed Clement-permission to use the town park June 25th, 2017 from 12:00-7:00 PM for a Graduation Party.

Tonya Hathway-permission to use the town park July 29th, 2017 from 12:00-9:00 PM for a Graduation Party.

Fran Poltanis Seniors 50 Plus Club-permission to use the Town Park August 30th, 2017 12:00-4:00 PM for a Seniors picnic.

Warren County Hazard Mitigation Plan Resolution

Stony Creek Ranch Resort-asking for a 30-Day Notice waiver for a Ballpark Beer license for the rodeo arena at 465 Warrensburg Road.

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

Stony Creek Community Church permission to use the town park for Church Services on May 21st, June 11th and August 20th, 2017.

Office of Rep. Elise Stefanik permission to use the town hall on Thursday June 22, 2017 from 1-3:00 PM for constituent meetings.

Ed Clement permission to use the town park June 25th, 2017 from 12:00-7:00 PM for a Graduation Party.

Tonya Hathway permission to use the town park July 29th, 2017 from 12:00-9:00 PM for a Graduation Party.

Fran Poltanis Seniors 50 Plus Club permission to use the Town Park August 30th, 2017 12:00-4:00 PM for a Seniors picnic. All in favor, motion carried.

Old Business:

Highway Tandem Truck:

Supt. Bradley stated the bid will be accepted from New York Truck in the amount of \$127,464.00 with the options. Supervisor Thomas asked if the \$76,900.00 for the body and plow was a definite price or an estimate. Supt. Bradley stated its real close he thinks they were \$300.00 off they added a back gate/door so they could take stuff out the back and it was \$300.00, so if you add \$400.00. Supervisor Thomas stated the total price for the truck would be \$204,764.00. The funds for payment would be \$35,000.00 taken out of the 2017 budget DA5130.2 Machinery Equipment. We were going to wait for delivery after the first of the year and take the \$35,000.00 out of the 2018 budget DA5130.2 Machinery Equipment then they were going to take \$60,000.00 from the Highway Fund Balance, which makes \$130,000.00 and leaves about \$75,000.00 they will have to borrow. The first step is to adopt a resolution and then set up a public hearing. Attorney Mary-Ellen stated putting up a resolution Attorney Fuller was waiting for Supervisor Thomas's determination on what he was going out with. So it will be \$75,000.00 and will prepare the documents relatively to that. They will put a resolution together to borrow the \$75,000.00 and you wouldn't go until the first of the year. Supervisor Thomas stated he believes they will have to go through the Comptroller's Office. Attorney Mary-Ellen stated which they have nice contacts with now. She will need the truck specifications for the paperwork. Supervisor Thomas stated the \$130,000.00 will be for the cab and chassis. Councilman Nathan Thomas stated the \$75,000.00 will be for the body and plow.

Attorney Mary-Ellen stated from her experience from the Comptroller's Office they will want to know where the other monies are coming from which she has detailed and will make sure she has that clear when she puts it forth to them because the last time they went through them they wanted to know specifically what accounts the monies were coming from. She will detail that and see what else they need up front and move it along on that end.

079-17. A resolution was made by Councilman Nathan Thomas seconded by Councilman John Thomas to accept the bid for a New 2018 Highway Tandem Truck, cab and chassis, from New York Truck and Equipment in the amount of \$127,464.00. Roll call vote, all in favor.

Warren County Hazard Mitigation Plan:

080-17. A resolution was made by Supervisor Thomas seconded by Councilwoman Ryan To adopt the Warren County Hazard Mitigation Plan:

WHEREAS, The Town of Stony Creek , with the assistance of Tetra Tech Consultants and Warren County has gathered information and prepared the Warren County Hazard Mitigation Plan and

WHEREAS, the Warren County Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the Town of Stony Creek is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, the Stony Creek Town Council has reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED that the Stony Creek Town Council adopts the Warren County Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

Adopted this 20th day of June at the meeting of the Stony Creek Town Council.

Roll call vote, all in favor.

Warren County Intermunicipal Agreement; installation of a radio tower:

Supervisor Thomas reported that Warren County is going to construct a radio tower behind the town hall. They will be constructing the tower and a small building to put their equipment into at their cost. Supervisor Thomas stated the only question he had was in the agreement part Section 2 maintain a radio tower and have use of the existing building. He's not sure what the existing building is. Councilman Carl Thomas stated it sounds like the one they are going to construct. Councilman John Thomas asked how big of a building are they putting up for this. Supervisor Thomas stated it's not very big. Councilman John Thomas asked if it's a permanent building or is it going to sit on some blocks. Attorney Mary-Ellen stated she knows what the concern is there is no existing building now they are going to be installing a building, maintain a radio tower and have use of the building "to be built" on the licensed area. Councilman John Thomas asked if it was going to be something like what the phone co uses, like a building on a platform. Supervisor Thomas stated pretty much.

Supervisor Thomas stated he talked with Supt. Bradley about the generator. There are problems with the controls in it. He thinks being it's sitting outside its gotten corroded and it's not functioning the way it should be so he suggested to Supt. Bradley that the highway dept. take that generator and we purchase another one maybe not quite so big. He doesn't think we need a big one and maybe we can come to some agreement with the county. That way we can put it inside a building and keep it so it doesn't get all corroded and it works properly. Councilman John Thomas asked how big the one was out there. Supervisor Thomas stated he thinks its 17kw. Supt. Bradley stated theirs is like 8,000 it's a welder generator. They can't run everything in the garage, not that they have to. You can't run all the lights and when the water pump comes on it dims. Councilman John Thomas stated it seems a little big for what the town hall needs. Supervisor Thomas stated there's a lot of relays and controls in the panel. If it was put in a heated building it would have been ok, over the years it's gotten corroded. They replaced the brain, circuit panel once and it was \$700.00. It's kind of a manual operation right now. That would be something to negotiate with the county and maybe they would help pay for the building. Councilman John Thomas stated 10kw should handle everything. Supervisor Thomas agreed.

Supervisor Thomas stated that was the only question he had on the Intermunicipal Agreement (Section 2 maintain a radio tower and have use of the existing building. He's not sure what the existing building is). Attorney Mary-Ellen stated they can request to modify it to indicate the accessory building "to be built" on the license area, which would probably be more clarification. Supervisor Thomas stated he did ask them how they were doing about hiring a contractor to do the permits and overseeing the construction of it. They are still putting the RFP (Request for Proposals) together then they have to go to the APA.

081-17. A resolution was made by Councilwoman Ryan seconded by Councilman Nathan Thomas authorizing the Supervisor to sign the Warren County Intermunicipal Agreement between Warren County and the Town of Stony Creek for the Installation of a Radio Tower with the addition of accessory building "to be built" inserted and the map to be attached. Roll call vote, all in favor.

Wi-Fi proposal:

Supervisor Thomas stated he is just looking for some comments and what the board thought about it, not only just this proposal but the idea in general. Councilman Carl Thomas stated it seems more elaborate then what we talked about doing at the park and he is not in favor himself. Councilman Nathan Thomas stated most households in town have it, if not it's always available at the town hall. The library has it as well and the town field has it. Supervisor Thomas stated he hasn't heard back from Mr. Bartholomew about what Frontier is planning on doing. He thinks that plays into it. Councilman Nathan Thomas stated yes because if you don't have the speed in town and the system in town is already maxed out.

13 Lanfear Road:

Supervisor Thomas reported the closing was on May 24th, 2017. He has contacted the insurance co. and put a binder on it. He hasn't received a bill for it from NYMIR. He did get a copy of the deed. The town did get reimbursed \$30,000.00 from Warren County's Occupancy Bed Tax money toward the purchase. It belongs to the town and the next thing is he would like to give everyone the opportunity to take a look at it. There is quite a lot of furniture inside it. We can decide what to do with that if anything. We can set up a time to take a tour, which will be Wednesday June 21st at 6:30 PM.

Recreation Field; Beach area:

Councilman Carl Thomas stated at the last meeting we were going to get some blocks and put a wall up by the beach area. Councilman Carl Thomas asked if it would block the beach off. Supervisor Thomas stated it would leave about 40 feet in the middle on both sides. The wall would be on each side of the beach. Councilman Carl Thomas stated one by the dam and one down below. Supervisor Thomas stated right and the center would be opened about 40 feet.

Committee Reports; Youth:

Councilwoman Ryan reported that Marcy has the Children's Schedule out for the Summer Recreation Program.

Safety; Stony Creek Ranch:

Councilwoman Ryan stated there is concern for safety at the Stony Creek Ranch. At the rodeo people are not using the crosswalk now to cross the road. It's ok from people coming from Warrensburg because they have opened that section up. Now its people leaving Stony Creek (going toward Warrensburg). The people aren't in the crosswalk so they will pick up their speed and now people are crossing over by other side of the barn. They are parking up and down the road and there is not a crosswalk there. Someone was crossing there at 10:30 at night and they almost hit someone and it's a concern now because they are wearing dark clothes or they have a cowboy hat on and you can't see their faces late at night and they are not in the crosswalk. There is no lights anymore because they took all the lights off. Councilman John Thomas stated they had a couple calls down there and there is people all over. They are parking on the opposite side of the road and obviously they can't get out of the road when they do that. Councilwoman Ryan stated it's becoming another obstacle that now affects us going out of town. Before you could see them in the crosswalk now you can't because they are crossing beyond the curve now.

Councilman John Thomas stated they are parking above where the arena is, basically you can't see anybody until they come out between cars. It won't be long before someone gets hit there. Supt. Bradley stated their employees are still zipping across the road with a golf cart and they never even looked. Councilman John Thomas stated he had the same thing happen. They had no intention of looking or stopping and the fence they put up didn't help because now the cars that use to pull off the road to park, they park on the road now so when they come out between the cars they are right on the road. It's like a one lane road down through there.

Supervisor Thomas suggested having the Attorney write and send them a letter notifying them of these safety concerns. He agrees someone will get hurt and a few months ago they were here concerned about that. Councilman John Thomas stated there is no lighting there so when you come out in the road it is black, there is no lighting what so ever there. Councilwoman Ryan stated there use to be when the walkway was there because they had lights going up and it illuminated it a little bit. Councilman Carl Thomas stated they use to have a lights on the barn too. Councilwoman Ryan stated also the sign that was there had lights and now there is nothing.

Highway:

Supt. Bradley stated he asked Supervisor Thomas for permission to rent an excavator. He wants to make sure everyone is ok with it, he may have to rent it twice. They have to change culverts in Harrisburg, they are really bad and that will be quite a job, he has to do a few ditches also. He is hoping he doesn't have to rent it twice. If he can get it for four weeks at one shot he pays for only three weeks. He's not sure how it's going to go with the paving. He may have to break it up, he will do whatever to save the most. He could put the culverts off in Harrisburg until next year but the bottoms are right out of it. Councilman John Thomas asked if this was the one at the main crossing. Supt, Bradley stated yes at the causeway. The one was kind of a thinner culvert the other was a good heavy culvert and it bottomed right out. They were here before he took office. Councilwoman Ryan asked how big they were. Supt. Bradley stated 8-foot squash but he is going up to a 9-foot one and plastic on the other one, so it will be two plastic and one metal. He ordered it already, it's galvanized coating so it should last a little bit longer, it's 5% more, and they say it last 10 years.

Councilman John Thomas asked if there was anyway, he doesn't know if anyone has been in Harrisburg Lake but it's not Harrisburg Lake it's like Harrisburg Pond. The water level is down. Supt. Bradley stated the dam is gone and the State will not let anyone fix it they don't want it fixed. Councilman John Thomas asked if there was a way they can approve the town raising the culverts up. Supt. Bradley stated he doesn't think there is too much they can do with that. He already upsized the culvert and if he upsized the road it would be another foot but it's pretty high right now. They normally want it back to where it was but they can jock it maybe a foot or something. Councilman John Thomas stated the water is down a good two-foot right now. There's a lot of taxpayers' dollars in there and a lot of businesses. Supt. Bradley stated if the rest of the dam goes there will be a stream in there. Supervisor Thomas stated the trouble is its all private property. Councilman Nathan Thomas stated it depends on whoever owns the dam and how many millions they want to throw at the State to get permission to put it back in. Supervisor Thomas stated there is a gentleman Patrick Dolan who has contacted him a couple times he's trying to get information to contact the people who own the property. It was brought from the Sweets by a guy in Scotland, his name is William McCort and he stopped by three or four years ago and visited for a little while and he was interested in doing things there but he thinks the gentleman passed away. Councilman John Thomas stated that's what he heard also. Supervisor Thomas stated any information he can find has gone to his wife and probably a daughter and a couple of other guys, maybe a son.

Supervisor Thomas has their address, he doesn't have a phone number. Councilman John Thomas stated there is nothing they can physically do. Supt. Bradley stated put beaver in there or just don't clean the culvert.

Councilman John Thomas stated someone said someone caught the beaver out that's why the waters low. Supt. Bradley stated they clean out the culvert every couple days, they are active beaver in there and there are actually two beaver dens. Councilman John Thomas stated he didn't know if would do any good to have the town send a letter asking or however we can state it, maybe give a little push because it has dropped two feet from what he can tell there's not much dam left. Councilman Carl Thomas stated eventually it will affect the property values in there if you have a mud hole instead of a lake. Councilman John Thomas stated there is a couple of businesses in there, they haven't said anything to him but it seems they should do whatever they can. Supervisor Thomas stated the other thing the property owner could think about is forming an Association. There is a lot of Lake Associations. That might be an avenue for them also. Councilman John Thomas stated part of it use to be an Association he doesn't know if it's still an active Association. Supervisor Thomas stated he knows back when the dam went out and Beaver (Dale Aldrich) was still on the board we had a meeting here at the town hall and that was bought up and he doesn't think any of the property owners moved it or got it going. Supervisor Thomas stated he would be glad to write a letter to the owner and see what kind of a response they get. He thinks it's a Limited Liability Co. and it's called "The Grange" Councilman Carl Thomas asked if the town could do anything with Ray Brook to ask them. They are the ones that said you can't do anything. Supervisor Thomas stated sure you could ask, the only problem the town is going to have is this private property. You're not going to be able to pursue a grant or anything really unless the town has a vested interest in the lake other than the property values. If the town had access to the lake site, like a piece of property that might be a different story. Supt. Bradley asked if the gun club owned the dam or just a section of the property in there. Supervisor Thomas stated the Rod and Gun Club had a lease on it for a lot of years. Supt. Bradley stated he thought they actually owned it and then sold it back to Mr. Aldrich. Supervisor Thomas stated he thinks they had a lease, he thinks it started out with the Cotton and Hanlon Co. years ago back in the 50'S and then Sweets brought it. They maintained the lease and Sweets was maintaining the dam but he thinks the Rod and Gun Club built it originally or was involved with it. That could be an avenue too, an organization, if they could come to an agreement with the McCort's as to the dam, any kind of legitimate Non-For-Profit Organization. That would open up to taxpayers money he's sure. He doesn't see that being a dangerous type of dam. Not that they are going to look at it that way. There's nothing below it. Councilman John Thomas stated it has a long long way to go before it gets to anything. Supervisor Thomas stated by the time it got to any building or people it would be pretty much dissipated. The water would come up but the force would be gone. Rather that would play into the DEC probably not but if you let it go to long you will have wetlands. Councilman John Thomas stated then you will have a problem.

Glassbrook Cemetery:

Supervisor Thomas reported that Section III of Glassbrook Cemetery has been completed and the map for the plots are almost completed.

Supervisor Thomas reported that Congresswoman Elise Stefanik will be here at the town hall on June 22, 2017 between 1:00-3:00 PM.

County paving:

Supervisor Thomas was asked if they were going to do anymore paving on Warrensburg Road. His understanding from Kevin Hajo's is they are going to start approximately by Richard Wagner's and head toward town and the hope is to get up to Midtown Garage. They are supposed to grind up the road, regrade it and put a binder and a top.

State Road; Route 418:

As far as the State Roads a few of the Supervisors had a meeting with people from the State Region 1 and the Supervisors were complaining about pretty much all the State Roads in the county including Route 418 and they didn't hold out much hope they're saying they don't have enough money. Councilman John Thomas asked how much they spent in Lake George to re-do Beach Road that wasn't necessary. Supervisor Thomas stated one of the things was the Federal Gas Tax hasn't been increased since 1993 and the amount of revenue was actually a Trust Fund that was built up and that went bankrupt three or four years ago and Mr. Obama was making up the difference with the General Fund. President Trump is saying he is not going to he is going to pay for it going on its own. They say that the State has made up some of the difference. It used to be 50/50 split and now it's like 60/40. The State paying 60% and Feds are paying 40% and they take care of the Interstates with this money. So they were promoting the increase in Federal Gas Tax. Supt. Bradley stated the guys he knows said it would be about five years before they even think about paving that. Supervisor Thomas stated he suggested a couple times on Rt. 418 that there are two sections that they could fix and we could probably live with the rest of it until they get money. They said they would take a look at it.

Creek Center Mini Park:

Supervisor Thomas stated he needs to have a public meeting for the Creek Center Project. That's one of the things needed before they start construction on it. He hasn't spoken to Mr. Peter Loyola yet but hopes to get it scheduled for some time in July. It will probably be at the Town Board meeting.

New Business:

Stony Creek Fire Co; Service Award Program Length of Service:

Supervisor Thomas stated they say the minimum contribution for 2017 is \$18,515.00, however last year 2016 it was \$11,249.00 and they were anticipating the \$18,500.00.

We contributed \$15,000.00 last year so we can do that again this year then we will slightly be where we can contribute the \$18,500.00.

Councilman John Thomas stated it looks like they increased this because the participants are living longer. Supervisor Thomas agreed and stated the return on the investments are down and they changed that from 6% to 5½% and the actuarial assumptions have been changed because they are anticipating people are living longer so they are projecting \$18,500.00 in 2017, \$19,175.00 in 2018, \$20,000.00 in 2019, \$21,000.00 in 2020 and \$22,000.00 in 2021, according to the projection they have.

By changing these things the funding ratio, we were at 106%, last year it dropped to 93% and now it's 88%. They are saying we have an unfunded liability of \$38,791.00. Supervisor Thomas stated the contribution amount would be either \$15,000.00 or \$18,515.00. Councilman John Thomas asked how much was in the budget. Supervisor Thomas stated \$19,000.00. Councilman John Thomas stated to go for the \$15,000.00 and see how it works out and if we need to make an adjustment later he is sure they will let the town know.

082-17. A resolution was made by Councilman John Thomas seconded by Councilwoman Ryan To pay \$15,000.00 contribution for the Stony Creek Volunteer Fire Co. Service Award Length of Service Program, Trust Fund. Roll call vote, Councilman Nathan, Member of the Fire Co.-Yes, Councilwoman Ryan, Member of the Fire Co.-yes, Councilman John Thomas, Member of the Fire Co.-yes, Councilman Carl Thomas-Yes, Supervisor Thomas-Yes. All in favor.

July 4th, 2017 the 4th Annual Town-Wide Picnic will be held from 11:00 AM to 4:00 PM. The band Roadhouse will play from 11:30 AM to 3:30 PM.

Item I Agreement for the expenditure of Highway Monies:

General Repairs: \$10,000.00 shall be set aside to be expended for primary work and general repairs upon 39.00 miles of town highways including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

Permanent Improvements: the sum of \$135,000.00 shall be set aside to be expended for the permanent improvement of Town Highways:

(a) On the road commencing at States and East States Road leading to Harrisburg Road a distance of 1.5 miles there shall be expended not over the sum of \$135,000.00. Type 6F width of traveled surface 21' thickness 3" subbase existing (will grind full depth) starting at East States toward Harrisburg 1.50 Miles.

083-17. A resolution was made by Councilwoman Ryan seconded by Councilman Nathan Thomas to accept the Item I Agreement for the expenditure of Highway Monies. Roll call vote, all in favor.

Stony Creek Ranch Resort 465 Warrensburg Road:

Requesting a 30-Day Waiver for a Ballpark Beer License for the rodeo arena:

084-17 A resolution was made by Supervisor Thomas seconded by Councilman Nathan Thomas To Waive 30-day Notice for a Ball Park Beer License

Applicant: STONY CREEK OPERATING CO. LLC
465 WARRENSBURG ROAD
STONY CREEK, NY 12878

Date: June 20, 2017

WHEREAS, Stony Creek Operating Co., LLC 465 Warrensburg Road Stony Creek, NY 12878, in the Town of Stony Creek intends to file for a New York State Beer License; and

WHEREAS, pursuant to Alcohol Beverage Control Law §64 (2A), an applicant must give the municipality thirty (30) day notice of the pending beer license application unless the municipality consents to waive the thirty (30) day requirement;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Stony Creek hereby waives the thirty (30) day notice period in regard to the Stony Creek Operating Co., LLC 465 Warrensburg Road Stony Creek, NY 12878 allowing an earlier submission of the Ballpark Beer license application. Roll call vote, all in favor.

085-17. A resolution was made by Councilwoman Ryan seconded by Councilman Nathan Thomas authorizing the following Budget Transfer:

Debit A1113 Revenue Acct. Occupancy Tax in the amount of \$30,000.00.

Credit A6410.4 Occupancy Tax in the amount of \$30,000.00. Roll call vote, all in favor.

086-17. A resolution was made by Councilman Nathan Thomas seconded by Councilwoman Ryan authorizing the following Budget Transfer:

Debit H5730 Revenues BAN Capital Project in the amount of \$96,000.00.

Debit A6410.4 Occupancy Tax in the amount of \$62,838.82.

Credit H1940.5 Capital Projects \$158,838.82. Roll call vote, all in favor.

From the Floor:

Carol LaGrasse would like to make a comment to correct the minutes on page 18 where she commented they don't have telephone service it should be electric service.

She would like to request a copy of the Creek Centers Project and she also would like to again mention that it's difficult to hear the Town Board Members speaking during the meeting.

A motion was made by Councilwoman Ryan seconded by Councilman John Thomas to adjourn the meeting at 8:13 PM. All in favor, motion carried.

Respectfully submitted,

Susan Harrington
Town Clerk