

July 18, 2017

The regular Town Board meeting of the Town of Stony Creek was held on July 18, 2017.

Supervisor Frank Thomas called the meeting to order at 7:01 PM with members present:

Councilman Nathan Thomas

Councilwoman Doreen Ryan

Councilman John Thomas

Counsel to the Town: Mary-Ellen Stockwell

Absent: Councilman Carl Thomas

June 20th, 2017 minutes; corrections:

Page 26 change Patrick Dolan to Patrick Gowin

Page 28 change Kevin Hajo's to Kevin Hajos.

A motion was made by Councilwoman Ryan seconded by Councilman Nathan Thomas to accept the June 20, 2017 minutes with these corrections. All in favor, motion carried.

July 3rd, 2017 Special Meeting (canceled to no quorum)

Supervisor Thomas stated what was to be a meeting and will be part of the record he had a couple corrections.

Page 31 CFA Application; should read Mr. LaMothe assures him that the most the town would have to pay would be \$10,000.00 over three-year's time. He extended the possibility that it would be zero match because we could use or access match from North Creek projects.

087-17. A resolution was made by Councilman John Thomas seconded by Councilwoman Ryan to pay the General Fund bills in the amount of \$10,995.82. Roll call vote, all in favor.

088-17. A resolution was made by Councilman Nathan Thomas seconded by Councilwoman Ryan to pay the Highway Fund bills in the amount of \$46,728.32.

Discussion: Supt. Bradley reported that there is probably stone in the bills that he will resell to the Town of Thurman. It will probably be \$7000.00 to \$10,000.00 that we will get back. The Supt. in Thurman is in a bind so it will help him out. Roll call vote, all in favor.

Town Clerk report:

Conservation licenses	\$ 2.64
Marriage license	\$ 17.50
Copies	<u>\$.25</u>
Total Town Clerk fees	\$ 20.39
Dog licensing	<u>\$ 35.00</u>
Total Town Revenues to Supervisor	\$ 55.39
NYS Agriculture and Markets	\$ 7.00
NYS Dept. of Health	\$ 22.50
NYS Dept. of EnCon	<u>\$ 45.36</u>
Total Disbursed	\$130.25

Correspondence:

Dog Control Log-June 2017

Peter LaGrasse letter to Lexie Delurey, Director Real Property Tax Service Re: Mapping of Warren Waite Cemetery.

Elizabeth Smith-permission to use the town park July 15th, 2017 for a Birthday Party.

Rebecca Gordon-permission to use the town park July 16th, 2017 for a Graduation Party.

Fred Elms-permission to use the town park August 13th, 2017 for a party.

Rebecca Gordon-permission to use the town park August 19th, 2017 for a Graduation Party.

Phillip Greenwood & Cortney Irvin-permission to use the town park August 26, 2017 for a Baby Shower.

Stony Creek Volunteer Fire Co.-permission to use the town park September 17th, 2017 (with a rain date of September 24th, 2017) for a Car Show.

Stony Creek Volunteer Fire Co.-requesting \$5200.00 in Occupancy Bed Tax funds to be used towards advertising, trophies, food, music and giveaways.

Stony Creek Chamber of Commerce- requesting an annual request of Occupancy Bed Tax in the amount of \$2500.00 to promote businesses and activities in town, requesting \$5000.00 of Occupancy Bed Tax for the annual Mountain Days Festival Lumberjack Competitions and requesting \$13,500.00 in supporting the annual Mountain Days Festival.

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

Elizabeth Smith permission to use the town park July 15th, 2017 for a Birthday Party.

Rebecca Gordon permission to use the town park July 16th, 2017 for a Graduation Party.

Fred Elms permission to use the town park August 13th, 2017 for a party.

Rebecca Gordon permission to use the town park August 19th, 2017 for a Graduation Party.

Phillip Greenwood & Cortney Irvin permission to use the town park August 26, 2017 for a Baby Shower.

Stony Creek Volunteer Fire Co. permission to use the town park September 17th, 2017 (with a rain date of September 24th, 2017) for a Car Show. All in favor, motion carried.

Old Business:

089-17. A resolution was made by Councilwoman Ryan seconded by Councilman John Thomas to adopt BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$75,000.00 AGGREGATE PRINCIPAL AMOUNT OF SERIAL BONDS OR STATUTORY INSTALLMENT BONDS OF THE TOWN OF STONY CREEK TO PAY THE COSTS ASSOCIATED WITH THE PURCHASE OF A 2018 WESTERN STAR 4900FA CAB & CHASSIS WITH PLOW AND AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES OR STATUTORY INSTALLMENT BONDS OF THE TOWN OF STONY CREEK FOR THE AFORESAID PURPOSES AND IN CONNECTION THEREWITH

WHEREAS, THE TOWN BOARD (THE "BOARD") OF THE TOWN OF STONY CREEK DETERMINED THAT THE PURCHASE OF A NEW 2018 WESTERN STAR

4900FA SNOW PLOW CHASSIS IS IN THE PUBLIC INTEREST AND THAT THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE TOWN WOULD BE BENEFITED BY SAID PURCHASE WHERE THE TOWN WOULD LIKE TO USE FOR FUTURE TOWN PUBLIC PURPOSES (THE "PROJECT"); AND

WHEREAS, THE TOTAL CONTRACT PRICE FOR THE PURCHASE OF NEW 2018 WESTERN STAR 4900FA CAB & CHASSIS WITH PLOW IS TWO HUNDRED FOUR THOUSAND SEVEN HUNDRED SIXTY FOUR DOLLARS (\$204,764.00) OF WHICH THE TOWN HAS AVAILABLE ONE HUNDRED TWENTY NINE THOUSAND SEVEN HUNDRED SIXTY FOUR DOLLARS (\$129,764.00) AND OF WHICH THE TOWN DESIRES TO ISSUE SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00) IN SERIAL BONDS OR STATUTORY INSTALLMENT BONDS OF THE TOWN OF STONY CREEK; AND

WHEREAS, IN ORDER TO FURTHER FINANCE THE COSTS ASSOCIATED WITH THE PROJECT, THE TOWN DESIRES TO ISSUE SERIAL BONDS OR A STATUTORY INSTALLMENT BOND, IN LIEU OF SERIAL BONDS (THE "BONDS") IN THE AGGREGATE PRINCIPAL AMOUNT OF SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00); AND

WHEREAS, NO BOND ANTICIPATION NOTES HAVE BEEN PREVIOUSLY AUTHORIZED OR ISSUED IN ANTICIPATION OF THE ISSUANCE OF BONDS AUTHORIZED BY THIS RESOLUTION AND THE BOND ANTICIPATION NOTES AUTHORIZED BY THIS RESOLUTION WILL NOT SERVE TO RENEW ANY OTHER EXISTING BOND ANTICIPATION NOTES; AND

WHEREAS, THE TOWN OF STONY CREEK IS A TOWN WHOLLY WITHIN THE ADIRONDACK PARK, AND WHERE STATE LANDS SUBJECT TO TAXATION WITHIN THE TOWN'S BOUNDARIES ARE ASSESSED AT MORE THAN THIRTY PERCENT (30%) OF THE TOTAL TAXABLE ASSESSED VALUATION OF THE TOWN AND THE TOTAL OUTSTANDING INDEBTEDNESS OF THE TOWN, PLUS THE PROPOSED DEBT, WILL EXCEED FIVE PERCENT (5%) OF THE TOWN'S REVENUE FOR THE LAST YEAR THE NEW YORK STATE COMPTROLLER HAS SUCH DATA FOR AND THEREFORE, THE PERMISSION OF THE NEW YORK STATE COMPTROLLER TO ISSUE THE BONDS AND/OR NOTES IS REQUIRED UNDER THE NEW YORK STATE LOCAL FINANCE LAW SECTION 104.10(3).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE TOWN AS FOLLOWS:

SECTION 1. THE SPECIFIC OBJECT AND/OR PURPOSE OF THE PROJECT FOR WHICH THE OBLIGATIONS AUTHORIZED BY THIS RESOLUTION IS THE PURCHASE OF A NEW 2018 WESTERN STAR MODEL 4900FA CAB & CHASSIS WITH PLOW IN THE TOTAL AMOUNT OF TWO HUNDRED FOUR THOUSAND SEVEN HUNDRED SIXTY FOUR DOLLARS (\$204,764.00) OF WHICH THE TOWN HAS AVAILABLE ONE HUNDRED TWENTY NINE THOUSAND SEVEN HUNDRED SIXTY FOUR DOLLARS (\$129,764.00) AND OF WHICH THE TOWN DESIRES TO ISSUE SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00) IN SERIAL BONDS OR STATUTORY INSTALLMENT BONDS OF THE TOWN OF STONY CREEK.

SECTION 2. THE FINANCING OF THE PROJECT SHALL BE UNDERTAKEN BY THE TOWN THROUGH THE ISSUANCE OF A BOND ANTICIPATION NOTE OR NOTES IN ACCORDANCE WITH AND PURSUANT TO THE LOCAL FINANCE LAW OF THE STATE OF NEW YORK IN AN AMOUNT NOT TO EXCEED SEVENTY FIVE THOUSAND AND NO/100 US DOLLARS (\$75,000.00). THE TOWN HEREBY AUTHORIZES ANY BONDS, INCLUDING A STATUTORY INSTALLMENT BOND, IN LIEU OF SERIAL BONDS, TO BE ISSUED FOR THIS PROJECT IN AN AMOUNT NOT TO EXCEED SEVENTY FIVE THOUSAND AND NO/100 US DOLLARS (\$75,000.00).

SECTION 3. THE TOWN HEREBY AUTHORIZES THE TOWN SUPERVISOR (THE "SUPERVISOR"), OR IN THE ABSENCE OF THE SUPERVISOR, THE COMPTROLLER, TO UTILIZE FUNDS HELD WITHIN THE FUND AND WITHIN THE BUDGET FOR THE PURPOSE OF PAYMENT OF SERVICES RENDERED IN CONNECTION WITH THE PROJECT AND FURTHER AUTHORIZES THE SUPERVISOR, OR IN THE ABSENCE OF THE SUPERVISOR, THE COMPTROLLER, TO REPAY ANY FUNDS EXPENDED FROM THE FUND WITH FUNDS BORROWED IN CONNECTION WITH ANY BOND ANTICIPATION NOTE OR BOND ISSUED PURSUANT TO AND AUTHORIZED BY AND THROUGH THIS BOND RESOLUTION.

SECTION 4. THERE ARE HEREBY AUTHORIZED TO BE ISSUED BOND ANTICIPATION NOTES ("NOTES"), INCLUDING THE RENEWAL OF SUCH NOTES, FOR THE AFORESAID SPECIFIC OBJECTS OR PURPOSES IN AMOUNTS UP TO BUT NOT EXCEEDING THE MAXIMUM AMOUNT OF THE BONDS HEREIN AUTHORIZED. ANY SUCH NOTES ISSUED SHALL BE APPROVED AS TO FORM AND EXECUTED BY THE SUPERVISOR, OR IN THE ABSENCE OF THE SUPERVISOR, THE COMPTROLLER, AND ISSUED IN ANTICIPATION OF THE SALE OF THE BONDS HEREIN AUTHORIZED.

SECTION 5. IT IS HEREBY DETERMINED THAT THE PERIOD OF PROBABLE USEFULNESS OF THE AFORESAID SPECIFIC OBJECTS OR PURPOSES IS FIVE (5) YEARS PURSUANT TO SECTION 11.00(A)(32) OF THE LOCAL FINANCE LAW.

SECTION 6. THE FULL FAITH AND CREDIT OF THE TOWN IS HEREBY IRREVOCABLY PLEDGED FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON ANY BONDS OR NOTES ISSUED IN CONNECTION WITH THIS BOND RESOLUTION, AS THE SAME RESPECTIVELY BECOME DUE AND PAYABLE. AN ANNUAL APPROPRIATION SHALL BE MADE IN EACH YEAR SUFFICIENT TO PAY THE PRINCIPAL OF, AND ANY INTEREST, IF APPLICABLE, ON THE BONDS OR NOTES BECOMING DUE AND PAYABLE IN SUCH YEARS.

SECTION 7. THE MAXIMUM MATURITY OF THE BONDS SHALL NOT EXCEED THE PERIODS OF PROBABLE USEFULNESS SET FORTH ABOVE AND SHALL MATURE ON OR BEFORE THE DATE OF THE EXPIRATION OF THE AFORESAID PERIODS OF PROBABLE USEFULNESS AS MEASURED FROM THE DATE OF THE BONDS OR FROM THE DATE OF THE FIRST BOND ANTICIPATION NOTE OR STATUTORY INSTALLMENT BOND ISSUED IN ANTICIPATION OF THE SALE OF SUCH BONDS, WHICHEVER DATE IS EARLIER.

IF DEEMED NECESSARY BY THE SUPERVISOR, OR IN THE ABSENCE OF THE SUPERVISOR, THE DEPUTY SUPERVISOR, THE BONDS OR NOTES TO BE ISSUED HEREUNDER MAY BE ISSUED IN TWO OR MORE SEPARATE SERIES. THE MATURITY OF THE BONDS ISSUED IN CONNECTION WITH THIS BOND RESOLUTION WILL NOT EXCEED FIVE (5) YEARS.

SECTION 8. ANY NOTES OR BONDS ISSUED HEREUNDER SHALL BE PAYABLE FROM THE PROCEEDS DERIVED FROM THE ISSUANCE AND OR SALE OF THE BONDS AUTHORIZED HEREIN OR OTHERWISE REDEEMED IN THE MANNER PROVIDED BY SECTION 23.00 OR SECTION 62.10 OF THE LOCAL FINANCE LAW.

SECTION 9. THERE ARE NO BOND ANTICIPATION NOTES OR BONDS OUTSTANDING FOR THIS PROJECT.

SECTION 10. SUBJECT TO THE PROVISIONS OF THE LOCAL FINANCE LAW, THE POWER TO ISSUE AND SELL THE BONDS AND/OR NOTES, INCLUDING ALL POWERS AND DUTIES PERTAINING OR INCIDENTAL THERETO, IS HEREBY DELEGATED TO THE SUPERVISOR, OR IN THE ABSENCE OF THE SUPERVISOR, THE DEPUTY SUPERVISOR, OF THE TOWN, EXCEPT AS HEREIN PROVIDED. THE BONDS AND/OR NOTES SHALL BE OF SUCH TERMS, FORM AND CONTENT, AND SHALL BE SOLD IN SUCH MANNER, WHETHER BY PUBLIC OR PRIVATE SALE, AS MAY BE DETERMINED BY THE SUPERVISOR, OR IN THE ABSENCE OF THE SUPERVISOR, THE DEPUTY SUPERVISOR, PURSUANT TO LOCAL FINANCE LAW, THIS RESOLUTION AND ANY FURTHER RESOLUTION WHICH THE BOARD MAY HEREAFTER ADOPT. THE SUPERVISOR, OR IN THE ABSENCE OF THE SUPERVISOR, THE DEPUTY SUPERVISOR, IS AUTHORIZED TO EXECUTE AND DELIVER ANY DOCUMENTS AND TO TAKE SUCH OTHER ACTION AS MAY BE NECESSARY AND PROPER TO CARRY OUT THE INTENT OF THE PROVISIONS OF THIS RESOLUTION, INCLUDING ANY RESOLUTIONS, CONTRACTS OR AUTHORIZATIONS NECESSARY TO SECURE ANY FEDERAL OR STATE ISSUED GRANT(S) OR LOAN(S).

SECTION 11. THE EXACT DATE OF ISSUE OF THE BONDS AND/OR NOTES AND THE EXACT DATE UPON WHICH THE SAME SHALL BECOME DUE AND PAYABLE SHALL BE FIXED AND DETERMINED BY THE SUPERVISOR, OR IN THE ABSENCE OF THE SUPERVISOR, THE DEPUTY SUPERVISOR, PROVIDED HOWEVER, THAT THE MATURITY OF SAID NOTES OR RENEWALS THEREOF SHALL NOT EXCEED ONE YEAR FROM THE NOTE'S OR RENEWAL'S DATE OF ISSUE EXCEPT AS PERMITTED BY THE LOCAL FINANCE LAW.

SECTION 12. THE SUPERVISOR, OR IN THE ABSENCE OF THE SUPERVISOR, THE DEPUTY SUPERVISOR, SHALL PREPARE, OR CAUSE TO BE PREPARED, SUCH BONDS AND/OR NOTES AND SELL THE SAME IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE LOCAL FINANCE LAW, AND AT SUCH SALE SHALL DETERMINE THE INTEREST RATE TO BE BORNE BY SUCH BONDS AND/OR NOTES, WHETHER FIXED OR VARIABLE.

SECTION 13. THE PROCEEDS OF THE SALE OF THE BONDS AND/OR NOTES SHALL BE DEPOSITED AND/OR INVESTED AS REQUIRED BY SECTION 165.00 OF THE LOCAL FINANCE LAW, AND THE POWER TO INVEST THE PROCEEDS OF SALE IS HEREBY DELEGATED TO THE SUPERVISOR AND/OR THE COMPTROLLER AND THE POWER TO INVEST IN ANY INSTRUMENTS DESCRIBED IN THE SAID SECTION 165.00 IS EXPRESSLY GRANTED.

SECTION 14. TO THE EXTENT THAT IT IS PERMITTED TO DO SO UNDER THE INTERNAL REVENUE CODE OF 1986, AS AMENDED (THE "CODE"), THE ISSUER HEREBY DESIGNATES THE BONDS AND/OR NOTES AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" UNDER SECTION 265(B)(3) OF THE CODE. THE ISSUER HEREBY COVENANTS THAT IT WILL (I) TAKE ALL ACTIONS ON ITS PART NECESSARY TO CAUSE INTEREST ON THE BONDS AND/OR NOTES BE EXCLUDED FROM GROSS INCOME FOR PURPOSES OF FEDERAL INCOME TAXES AND (II) REFRAIN FROM TAKING ANY ACTION WHICH WOULD CAUSE INTEREST ON THE BONDS AND/OR NOTES TO BE INCLUDED IN GROSS INCOME FOR PURPOSES OF FEDERAL INCOME TAXES.

SECTION 15. THE TOWN OF STONY CREEK IS A TOWN WHOLLY WITHIN THE ADIRONDACK PARK, AND WHERE STATE LANDS SUBJECT TO TAXATION WITHIN THE TOWN'S BOUNDARIES ARE ASSESSED AT MORE THAN THIRTY PERCENT (30%) OF THE TOTAL TAXABLE ASSESSED VALUATION OF THE TOWN AND THE TOTAL OUTSTANDING INDEBTEDNESS OF THE TOWN, PLUS THE PROPOSED DEBT, WILL EXCEED FIVE PERCENT (5%) OF THE TOWN'S REVENUE FOR THE LAST YEAR THE NEW YORK STATE COMPTROLLER HAS SUCH DATA FOR AND THEREFORE, THE PERMISSION OF THE NEW YORK STATE COMPTROLLER TO ISSUE THE BONDS AND/OR NOTES IS REQUIRED UNDER THE NEW YORK STATE LOCAL FINANCE LAW SECTION 104.10(3) AND THE SUPERVISOR IS HEREBY AUTHORIZED AND DIRECTED TO APPLY TO THE NEW YORK STATE COMPTROLLER, FOR A CERTIFICATION OF THE STATE COMPTROLLER APPROVING THE ORIGINAL ISSUANCE OF OBLIGATIONS, PURSUANT TO SUBDIVISION THREE OF SECTION 104.10 OF THE NEW YORK STATE LOCAL FINANCE LAW PRIOR TO ANY SUCH BORROWING.

SECTION 16. THE VALIDITY OF SUCH BONDS AND/OR NOTES (COLLECTIVELY "OBLIGATIONS") MAY BE CONTESTED ONLY IF:

- (1) SUCH OBLIGATIONS ARE AUTHORIZED FOR AN OBJECT OR PURPOSE FOR WHICH THE TOWN IS NOT AUTHORIZED TO EXPEND MONEY, OR
- (2) THE PROVISIONS OF LAW WHICH SHOULD BE COMPLIED WITH AT THE DATE OF PUBLICATION OF THIS RESOLUTION ARE NOT SUBSTANTIALLY COMPLIED WITH, AND AN ACTION, SUIT OR PROCEEDING CONTESTING SUCH VALIDITY IS COMMENCED WITH TWENTY (20) DAYS AFTER THE DATE OF SUCH PUBLICATION, OR

(3) SUCH OBLIGATIONS ARE AUTHORIZED IN VIOLATION OF THE PROVISIONS OF THE CONSTITUTION.

SECTION 17. THIS RESOLUTION, OR A SUMMARY HEREOF, SHALL BE PUBLISHED IN FULL IN THE *POST STAR*, WHICH HAS BEEN DESIGNATED AS THE OFFICIAL NEWSPAPER OF THE TOWN FOR SUCH PURPOSE, TOGETHER WITH A NOTICE OF THE CLERK OF THE TOWN IN SUBSTANTIALLY THE FORM PROVIDED IN SECTION 81.00 OF THE LOCAL FINANCE LAW.

SECTION 18. PURSUANT TO SECTION 33.00(A), THIS RESOLUTION SHALL BE ADOPTED BY AT LEAST TWO-THIRDS (2/3) VOTE OF THE VOTING STRENGTH OF THE TOWN BOARD.

SECTION 19. THE ADOPTION OF THIS RESOLUTION IS CONSIDERED AN ACTION UNDER THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA). THE TOWN HEREBY DECLARES THAT THIS ACTION IS A TYPE II ACTION PURSUANT TO 6 NYCRR 617.5 (25), AND HEREBY DECLARES THAT THE ACTION DOES NOT HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT AND THE ACTION IS HEREBY PRECLUDED FROM FURTHER ENVIRONMENTAL REVIEW.

SECTION 20. THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY. THE QUESTION OF THE ADOPTION OF THE FOREGOING RESOLUTION WAS DULY PUT TO A VOTE BY ROLL CALL, WHICH RESULTED AS FOLLOWS:

<u>VOTING:</u>	<u>AYES:</u>	<u>NAYS:</u>	<u>ABSTAIN:</u>	<u>ABSENT:</u>
FRANK E. THOMAS, SUPERVISOR	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
CARL THOMAS, COUNCILMAN	<u> </u>	<u> </u>	<u> </u>	<u> X </u>
JOHN THOMAS, COUNCILMAN	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
NATHAN THOMAS, COUNCILMAN (DEPUTY)	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
DOREEN RYAN, COUNCILWOMAN	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

THE FOREGOING RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

Supervisor Thomas stated they will take delivery of the truck after January 1st, 2018.

CFA Application for a water and sewer study in the hamlet.

Supervisor Thomas stated the Consolidation Funding Application, round 7 he believes. The deadline for that is July 28th, 2017 The Warren County Planning and EDC has been after the town to put in an application for some sort of grant award and he suggested to Mr. LaMothe that we apply for a study assessment for a sewer and water system for the hamlet area. The match is 75/25 which makes it more beneficial for the town. Supervisor Thomas thinks he is anticipating approx. \$30,000.00 grant award to do an assessment to see how many units are involved or how many people are involved, what kind of system would entail or an alternative system. To him he thinks just looking forward, he doesn't think it obligated the town to create a district or obligates the town to build a sewer system or doesn't obligate the town to build a water system.

He thinks its information for this board or future boards and would be very useful at some point. He thinks it's something the town should pursue. At least we would have the information to act on it or not act on it. Maybe it's totally out of the town's league. Mr. LaMothe did assure him that they wouldn't have to pay over \$10,000.00 for three years, that he could access other matches from communities that have grants and shift them to Stony Creek. The last time he talked to Mr. LaMothe, which was a week ago, he said it was \$5000.00. It will take a year or better and may hire an engineer to study it, so at least a year. He doesn't think they will be knocking on people's houses, they are going to be looking at the houses and estimate, assess what's here and vacant lots. As far as he is concerned they are not going to be knocking on any doors. Supervisor Thomas is looking for action or input from the Board. Councilman John Thomas stated he knows there are some issues, the library being one, the old Methodist Church is another and septic systems of neighboring properties are so close you can't get a well in. The way the banks are now if someone could sell their house then they have to prove their water is 100 feet from a septic system. It isn't going to happen on quite a few of those properties. That is something that could become an issue later on. Supervisor Thomas thinks this is an issue waiting to happen. Councilman John Thomas stated even at the firehouse they have a well on one end of the property and the septic on the other end by doing that their septic is within 100 feet of the neighbors septic. It could be 20 feet from the well. They have it tested and haven't had any issues but it doesn't mean sometime down the road they won't. Supervisor Thomas stated he isn't sure if its anything the town would be anxious to get into but he thinks it could be a problem. We may be forced into it and thinks this is the first step, maybe we won't. Councilman John Thomas stated it would be nice to know we have an option if it's needed and it's a very small cost to the town to get it done if the money is there to generate this. A year or two down the road the money may not be there for that.

Sue Brooks stated living in the hamlet she thinks it should be done because she can definitely see problems down the road.

Carol LaGrasse stated she is a licensed professional engineer and worked in this field but not in small towns. There is basically many options that should be discussed, one would be water alone, two disposal of water alone and third would be both. If you didn't have septic systems near wells it wouldn't be risky. If the study is phased so that they're studying an option of putting in water and sewer you wouldn't get a proper ability to evaluate with everything lumped together.

Supt. Bradley stated if they ever wanted the town to do that how would the town ever pay for something like that. Supervisor Thomas stated they would have to apply for grants from the State and Federal agencies. Supt. Bradley stated your talking millions right? Supervisor Thomas stated probably a couple. Supt. Bradley stated we can't afford to raise taxes to pave roads and stuff, that would be death mental, it's probably a good idea to do the study. Councilman John Thomas stated it depends on the type of system. In Hadley by the Senior Center that's basically an evaporation field it's like a regular septic system, they use a high pressure grinder pump that shoots it into their system. Supt. Bradley stated that's fine but what about digging up everyone's yard and all that and try to go through wetlands and digging up the whole town how can the town think about that when the roads use all the money he gets and he is falling behind.

He can do a mile a year at \$150,000.00 almost, it's tough. Supervisor Thomas stated it's no different than other communities that's how they do it. They do studies, they apply for grants, set up districts, and it takes years. Councilman John Thomas stated the study is basically the first step. This is our problem, this is what it's been. This is where we have to start from. He thinks we have to do that in order to, if you ever are going to plan on doing anything. Supervisor Thomas stated you are going to have to do it sooner or later. Supt. Bradley agreed but whatever it would come down to, how on earth would we ever raise taxes without grants. Supervisor Thomas stated you couldn't.

Carol LaGrasse stated she assumes you're not going to raise the town-wide taxes to pay for it. Supervisor Thomas stated not likely. Carol LaGrasse stated it would have to do a district wouldn't it. Supervisor Thomas stated yes, he thinks so. He thinks even if it progresses on actually doing something, he doesn't ever see it being a conventional building a sewer plant. He thinks it's going to be more like where you're going to take six or eight houses you going to have a distribution field and those six or eight houses will be in that field and six or eight houses will be in a different field. He thinks that's the only way that the town can begin to afford it.

Councilman John Thomas stated he knows what they have in Hadley and it's the loop near the Senior Center and there is probably ten to eleven regular resident houses and then there is the apartment house, which he thinks there is forty units there. It takes in quite a bit. None of it is cheap but if you don't have any alternatives here in town you have water and you can't drink it or use it and you can't get a loan on a house because you can't get your water supply far enough from your neighbor that's when it becomes a financial issue also especially if you own property. At least if we do the study the monies there and it's a small cost to the town at least we have something to start on. Sue Brooks asked if it would then be a volunteer participation or a mandatory or is she thinking too far down the road. Supervisor Thomas stated that would be a future decision. Councilman Nathan Thomas stated the Town of Warrensburg whether you tap into the water line or not you still pay water fees. Mrs. Brooks stated she is thinking more of the septic. She knows there is a lot of places in town that could use the septic.

Supervisor Thomas stated he will tell Mr. LaMothe to move forward with the application.

Councilman John Thomas stated he would say yes, absolutely at least we have some information we need. Supervisor Thomas will also hold Mr. LaMothe to the \$5000.00 or less over three years and who knows we may not get awarded, that's a possibility.

Stony Creek Ranch:

Supervisor Thomas reported that Attorney Mary-Ellen did draft a letter to be sent to the ranch resort. He received it today and looked it over and probably will tweet it a little and will either mail or deliver it to them and try to explain the towns concerns.

Harrisburg Lake Property

Attorney Mary-Ellen reported she called the Surrogate's Court to see if there was a probate proceeding for William McCourt and there is nothing on file yet. Supervisor Thomas anticipated writing a letter to "The Grange" and haven't completed that anticipation yet but will be.

Committee report:

Mini Park (four-corners)

Supervisor Thomas reported he mentioned last month that they had to have a meeting for the Creek Center Project on the four corners. He talked with Peter Loyola with CLA Site, the engineer for the project and has set August 15th as a public meeting date for him to give a presentation on the final design, which is the same as it has been on the project on the four corners. It will probably be held after the bond public hearing. We have to have a public meeting before they begin construction.

The Juvenile Diabetics Research Fund Foundation in Saratoga will be having a bike ride from Saratoga through Stony Creek, Warrensburg and back to Saratoga. They are requesting the use of the town hall parking lot as a rest stop. This will be held on Saturday September 16, 2017 so it doesn't conflict with the Double H Bike Ride that one will be held on the weekend after.

Supervisor Thomas received a letter from NYS Dept. of Public Service in relation to National Grid seeking an almost 23% increase in their delivery charges, hopefully that won't happen.

Supervisor Thomas thanked everyone that helped with the July 4th Town-wide Picnic. The cost was \$1590.45. \$279.03 was received in donations so the total cost of the picnic was \$1311.42.

New Business:

13 Lanfear Road; house

Supervisor Thomas is suggesting or proposing that the Town Historian and the Chamber of Commerce be allowed to each have an office within the building. The Historian has a lot of things in the Information Room at the town hall that can be put in the house and it would also be a good place for the Chamber of Commerce. Councilwoman Ryan stated she thinks it's a good use for it. Supervisor Thomas stated at least it would have a little occupancy, there would be someone there occasionally. Councilman John Thomas asked if they would need phone service for internet so they can operate. Supervisor Thomas stated they probably would, there is a line that goes in there, and it's on the corner toward the road and creek on the corner. Councilman John Thomas stated we just have to have it activated. Supervisor Thomas stated a sign can be put out and they can set hours of when they will be there.

Supervisor Thomas stated that he did purchase a dehumidifier for the basement, it's been running for three weeks and has dried it out nicely. Councilman John Thomas stated he didn't notice when he went through if there were smoke detectors. Supervisor Thomas stated there is a couple that have to be installed and will have to add more and also put some type of walkway to the door to make it handicap accessible. Councilwoman Ryan asked if they recovered the well. Supervisor Thomas did put a piece of plywood over. Supt. Bradley stated they have a piece of metal that needs to be cut out. Councilman John Thomas suggested a well house be built and put over it.

090-17. A resolution was made by Supervisor Thomas seconded by Councilwoman Ryan authorizing the Town Historian and the Stony Creek Chamber of Commerce to have offices located at 13 Lanfear Road Stony Creek, NY. Roll call vote, all in favor.

Occupancy Bed Tax:

091-07. A resolution was made by Councilwoman Ryan seconded by Councilman Nathan Thomas authorizing the expenditure of bed tax monies to the Stony Creek Chamber of Commerce in the amount of \$2500.00 and to make this an annual stipend/amount of to be used for promoting businesses and activity in the town and help with their funding. Roll call vote, all in favor.

092-17. A resolution was made by Councilman Nathan Thomas seconded by Councilwoman Ryan authorizing the expenditure of bed tax monies to the Stony Creek Chamber of Commerce in the amount of \$18,500.00 with \$13,500.00 in support of the Annual Stony Creek Mountain Festival August 4TH-6TH, 2017 and \$5000.00 for the Lumberjack Competition to be held on August 6th, 2017. Roll call vote, all in favor.

093-17. A resolution was made by Supervisor Thomas seconded by Councilman Nathan Thomas (Member of the fire co.) authorizing the expenditure of bed tax funds to Stony Creek Fire Co. in the amount of \$5200.00 to be used for giveaways, trophies, prizes and advertising of the 8th Annual Car Show to be held on September 17th, 2017 with a rain date of September 24th, 2017. Proceeds will go toward the Children's Christmas Party, Christmas Eve for the Seniors, and Halloween. Roll call vote, Councilman John Thomas (member of the fire co.)-Yes, Councilman Nathan Thomas (member of the fire co.)-Yes Councilwoman Ryan, (member of the fire co.)-Yes Supervisor Thomas-Yes.

094-17. A resolution was made by Councilwoman Ryan seconded by Councilman John Thomas authorizing the following budget transfer:

Debit A1990.4 Contingent in the amount of \$557.65.

Credit A1910.1 Unallocated Insurance in the amount of \$385.11

Credit A7550.4 Celebrations in the amount of \$172.54. Roll call vote, all in favor.

From the floor:

Peter LaGrasse, Assessor stated he wrote a letter to the Director of Warren County Real Property pertaining to something that is really quite troublor compared to the work you're doing today. Something that involves zero expense. That is just simply the correct mapping of the tax maps to include a cemetery that inadvertently has been omitted from the tax maps but is worked by the town, which is Waite Cemetery on Lewis Waite Road. He has gotten kind of resistance from the tax mapper because there is no deed to that cemetery, but there are no deeds to the other cemeteries. There are deeds some but most of them there are no deeds and there are no recorded deeds on the Assessors cards either, except the town cemetery that the town got from Mrs. Maag. Could there be deeds, yes there could be deeds. He's pretty sure VanAuken Cemetery has a deed to it. There is also no deed to Dean Cemetery that's on Councilman John Thomas's property.

Councilman John Thomas agreed. Assessor LaGrasse stated that's a big one and also it has interments from other cemeteries that were put there. There is no defining, there is no nothing. It's still on the tax map, but the mapper won't put one small cemetery for which he has a survey showing that cemetery and they won't put it down. What he found is that the Cemetery law specifies quite clearly that when a cemetery is used by the public for a period of 14 years it shall be vested in the town. It doesn't say there is a deed for it, it just says regardless for a deed, it's vested in the town and it shall be vested in the town. So there is very little question about mapping this except they don't want to do it or apparently they think like other properties its subdivisions and what not. This isn't like other properties and subdivisions. It's a cemetery which there are special laws. He is suggesting possibly that the Town Board make a resolution that could be passed to the Director of Real Property Tax Service stating that the town is working the cemetery, the town has worked it as long as you remember and you wish they would put it on the tax map. He thinks this may help the situation.

Assessor LaGrasse also stated you start spending money on a water/sewer system, you're going to have a Special Tax District for that. It got pretty ugly in Warrensburg because some people had just put in new septic systems. They had property lots adequate from the well and septic but they were included in the district and they still had to pay taxes whether or not they benefited personally from that or not. There is a tendency where there is such a thing like that is to expand the district to pay for the expense. That's been the history at least in Warrensburg and probably elsewhere.

Carol LaGrasse stated when you do the study you outline the task even though you don't feel you want to get intrusive. She thinks it's important to find out if some property owners that could be potential in to this district. What type of water supply they have, dug or deep well or whatever and the location for it because you can't really elevate something without knowing that basic information. You may find there are many good wells and even deep wells in town and that would easily be argued against bring in water supply and the septic issue.

Councilwoman Ryan stated again it's going to be a study and like Supervisor Thomas stated it may not happen for 100 years but it's something that will be in the records to show what the ability of it is going to be. Carol LaGrasse stated its basic information that should be in the study. You probably won't get true confessions of where the septic or water systems are but you should be able to get, with not much intrusion information, about where the water supply is. It's perfectly legitimate having an easement on your neighboring property either but it's a common place to have a shared well that will be quite adequate.

Supervisor Thomas stated that Peter requested to do a resolution to Warren County Real Property Tax Office. Councilman John Thomas has some questions on this. It has come up a few times before. His question to the counsel would be what determines public use from a cemetery. He had a trespassing issue, someone was trespassing to get to property not to a cemetery.

Councilman John Thomas called his counsel and talked with them and what they said was put up a posted sign and if you have to, you have to gate it. Legally if anyone wants to go to the cemetery you can't stop him from going.

They would have to contact him in writing when they were going, who they were going to see, that they were related. And that eliminates the liability on the landowner's part because they have to cross his property to get to the cemetery. That became an issue and basically it's never been resolved. The trespasser's quit for right now but that would be his question. What is public use of a cemetery? Attorney Mary-Ellen stated there is a difference between public and private. Councilman John Thomas stated these are all pretty much private cemeteries that we're talking about. As far as the town, it owns the cemetery going into Harrisburg and Vanauken and he knows there is a trust set up for the one on Riley Hill Road. There's been an issue on his part and he doesn't want to create a problem for the landowner if we pass a resolution. He had the State Police there because of the trespasser issue and that is what he was instructed to do. He would never keep anyone out of the cemetery but that was his next choice.

Attorney Mary-Ellen stated then you getting into private property, what is private property and what enters a cemetery trespass. That's a loaded question. Mr. LaGrasse references a section of the Cemetery Law and that does clearly have, it's not as clearly as it probably could be but there are certain requirements when it vest into the town is what Peter is referring to. She can get it together and take a look at it. She can provide that information if that's something you want before you decide what to do. Councilman John Thomas stated it's become an issue, there were questions before about fencing and things like that. Councilman Nathan Thomas stated just because the town is maintaining cemeteries. They have a family plot on Hill Road and that's a family plot that went with the Hill Estate. It's not a public use cemetery. It's one family and even if the town is maintaining it under the Cemetery Law, is it a public cemetery?

Attorney Mary-Ellen just heard Peters letter for the first time but she doesn't know specifically anything about that land but she can look into it more. Her other question would be what the concern of the mappers push back was or what his concern was, the reason why not wanting to include that on the tax map.

Carol LaGrasse stated it's very clear the historical research that the Haskell's did with her and the mapping that was done by Former Town Councilman Russell Sayre. Which cemeteries are public and which are private and private cemeteries which is illegal for the town to maintain. They are ones which are family plots. So the cemetery on Hill Road that was an illegally maintained cemetery. They are very close relatives and should never been worked by the town and to this day shouldn't be worked by the town. There are a number of cemeteries in the town. It's very clear and it's all documented and when she was on the town board she gave a thorough of summary to the town, of which she kept a copy of. Which ones were legitimately public cemeteries because they're not private family plots? It's something that it's not that makes it a public cemetery, it doesn't mean it's going to be used by the public for interments anymore but it's one the towns responsibly to maintain. There is a second question and she can't answer the specifics of how it could resolve for the Thomas property. But the town by law must maintain the access. Now whether that should be solved by the town acquiring a deed, adopting a liability policy to protect the cemetery and the underline property owner.

There was an easement, she would say, to the cemetery because by law the town has to have an access. They should have acquired that, if they didn't that should be solved. How it would be solved would be a conclusion in the town's liability policy. She doesn't know but it seems to be an easy solution for the town. Whether the gate can be opened and closed, she doesn't believe that because it only has certain families in it. They're the only ones that can visit it since it's a public cemetery. Councilman John Thomas stated that's where the clarification becomes fuzzy because everybody that is in the Dean Cemetery is somehow related back to the generations, marriages. Carol LaGrasse stated it has to be immediate family. Attorney Mary-Ellen stated there is a definition of family. Mrs. LaGrasse stated immediate family and it can't be just all the people in town, which are all related, if you died tonight and buried in the cemetery it wouldn't make it a public cemetery because you're not immediate family. Your close but not immediate family.

The Hill Road Cemetery is immediate family. If the town maintains it or not that's purpose of discussion. Supervisor Thomas stated it has to be used as a community cemetery.

Mrs. LaGrasse stated it's more of the absence of it not being immediate, a single family. It's basically neighborhood cemeteries all over the town. Councilman John Thomas stated if you look into the law and rulings, he's spent a lot of time on this. You can find a ruling on one side and find one on the complete other side from the same law. Depending on what you're looking for. There is no cut and dry, this is the way it is. There are judgements on both sides of it. He had a trespassing issue and that's what he was told to do if it continues.

Mrs. LaGrasse stated she would say the town should adopt a liability protection for him for that. For example she loves snowmobiling but she wouldn't let people ever have a snowmobile trail or ATV trail on her property because even through the State Law provides a liability waiver of recreational use of your property if it's not paved she wouldn't do it. So she understands the issue but she thinks the State to protect the snowmobiler to allow their property to use the trails the State instead of making a law that is interprets various ways of the court they should indemnify the property owner and that's what the town would have to do. That would be her explanation to you. To indemnify you from the people who go over your property to reach the cemetery. Then you would be covered by the insurance. That's a big issue, when you have people going over your property to reach the cemetery. Councilman John Thomas stated yes it is especially when they were doing damage to your property that was the issue. Mr. LaGrasse stated in Councilman John Thomas's case the major issue is somebody not interested in going to the cemetery but interested in using the road for a private use for which he had no right. And the road where it is now runs along Fred Mann's property line. That road use to be by the gate house going through the center of the property to the cemetery.

Mr. Mantell put the road at the edge of his property so it wouldn't interfere with his planned activity in the center of his property. That's the history of that access for the Dean Cemetery and there is no question that the access for the cemetery purposes is not accidental access for somebody who may have property along that right of way. It is not an access for that person. Councilman John Thomas stated until the town says alright we are going to pass a resolution that says that now it is an access, so now it creates another problem. He thought there would be a clear cut answer either it's this or that. There's too many rulings on each side of the fence that say there is no clear cut issue, everyone is different.

Mrs. LaGrasse stated it's not an access to the back property owner but it is an access to the cemetery, however she thinks he should be protected by the town because it's a town cemetery. Councilman John Thomas stated if the town creates an access to it, that is an access for everybody now. Mrs. LaGrasse stated it's only an access to the cemetery. Councilman John Thomas stated correct, but it's an access for everybody to the cemetery. Mrs. LaGrasse stated someone goes to the cemetery for historical purposes to see the gravestones yes, but it doesn't mean that you lose your, the town buys protections that you lose the protection. Councilman John Thomas stated the other ruling is that he put up a gate and if you want to use the cemetery and have access to the cemetery you have to contact the landowner when you're going to be there, who you're going to see, what amount of time you're going to be there and that limits his liability. That's another way to go. There is no cut and dry.

Thurman Connection Snowmobile Club;

Sue Brooks stated that Ken Brooks is the President and she is the Treasurer. They are here for the snowmobile club and would like to make a proposal. Being the town bought the yellow house (13 Lanfear Road) what they would like to propose in conjunction of what they heard is a bridge going across from the park to 13 Lanfear Road that could be used for pedestrians as well as for the snowmobile club. What they are bring to the table is as Mrs. LaGrasse just said on liability. On their trails they are covered by NY State Liability. So if something happens, millions of dollars of liability. She has to pay insurance not only for the snowmobiles that ride but also as landowners that allow snowmobile access that comes from the club. As a landowner herself she has snowmobile trails on her property and she has checked with her insurance co. They don't have a special rider or anything, it's covered if someone was to go off the trails or damages something, hits a tree, and it's covered under their homeowner's policy. So the town would be doubly covered between the towns insurances and the snowmobile club's insurance. She knows that's a huge issue. So basically what they would like to do is to have the town parking lot be a drop off point. You would drop off your slides there, go across the town park, across the bridge. They are proposing a nice covered bridge which could come from DEC funding, her being treasurer she knows there is a lot of funding. They have funding whenever they work on it they get kickbacks from the State. So whatever hours they volunteer they log in and the State gives them money so they have funding for that.

Ken Brooks stated there is an RTP Grant Program from NY State Parks that would fund something like this. Mrs. Brooks stated so basically you would drop off at the park, ride across the park, across the bridge to private landowners.

The only Landowners right now is Barbara Edelman and Dan Sherman because you can ride up there and then hit Ken and Sue Brooks property, which would allow you to either come down into town or from their property go up though Lanfear and hit the main trails. Coming from Lake George you don't have enough gas to get to Speculator or another gas station. If you could start here you could drop down to Stony Creek Ranch and they are working with Harrisburg Lake Club to make that more of a draw to bring people into town. If people come here from

Lake George and go to Speculator. Mr. Brooks stated currently their trail dumps off at Tannery Lane, its narrow and very steep and not user friendly.

The club is looking for an alternate route into the town center to promote business for the local businesses and help out snowmobilers in general. That's their proposal.

Supervisor Thomas stated the Department of State has agreed in principle to transfer money from another grant project to another, he believes in 2013, that's not going to take place and it was \$200,000.00. The County doesn't have a contract for that but anticipants they will and that money is for constructing a bridge and we can use the purchase cost of the house. We instantly have \$165,000.00 or will have as soon as the contract is put together.

Mrs. Brooks stated making it dual purpose being a cross-country skier it would be groomed all the way down and Ken would volunteer if you wanted to go around and have groomed trails and connect the Dean Trails for skiing.

Councilman Nathan Thomas stated they apparently have clearance for the groomer so that is obviously points we will have to put into the plans as we go along. Mr. Brooks stated if the town sees fit to do something like that the club would like to work with the town.

Mrs. Brooks stated that Ken is on the State Snowmobile Board also.

A motion was made by Councilman John Thomas seconded by Councilwoman Ryan to adjourn the meeting at 8:36 PM. All in favor, motion carried.

Respectfully submitted,

Susan Harrington
Town Clerk