

March 19, 2013

The regular Town Board meeting of the Town of Stony Creek was held on March 19, 2013.

Supervisor Frank Thomas called the meeting to order at 7:00 PM with members present:

Councilwoman Doreen Ryan

Councilman John Thomas

Attorney James Cooper

Absent: Councilman Harry Paul Gill

Councilman Nathan Thomas

February 12, 2013 minutes:

A motion was made by Councilwoman Doreen Ryan seconded by Councilman John Thomas to accept the February 12, 2013 minutes. All in favor, motion carried.

069-13. A resolution was made by Councilwoman Ryan seconded by Councilman John Thomas to pay the General Fund bills in the amount of \$9,078.04. Roll call vote, all in favor.

070-13. A resolution was made by Councilman John Thomas seconded by Councilwoman Ryan to pay the Highway Fund bills in the amount of \$32,931.78.

Discussion: Councilman John Thomas stated there is quite a few parts but he understands that they rebuilt the rams on the grader. Supervisor Thomas stated the salt bill was \$15,168.01, and diesel fuel was \$9,948.47. Roll call vote, all in favor.

Town Clerk report:

Conservation license	\$ 1.60
Certified Birth Copy	\$ 10.00
Copies	\$ <u>20.00</u>
Total Town Clerk fees	\$ 31.60
Dog licenses	\$ <u>70.00</u>
Total Town Revenues to Supervisor	\$101.60
NYS Ag and Markets	\$ 14.00
NYS Environmental Conservation	\$ <u>27.40</u>
Total disbursed	\$143.00

Correspondence:

Dog Control Log- January and February 2013

Wendy Fuller- request to use the town hall Saturday April 20th from 12-4:00 PM with setting up on Friday night.

Stony Creek Free Library, List Bartow- request to use the town hall April 13th -14th, 2013 for a Felt-Making Workshop.

A motion was made by Councilwoman Ryan seconded by Councilman John Thomas authorizing the following: Wendy Fuller to use the town hall Saturday April 20th from 12-4:00 PM with setting up on Friday night and the Stony Creek Free Library, List Bartow to use the town hall April 13th -14th, 2013 for a Felt-Making Workshop. All in favor, motion carried.

Supervisor Thomas stated he had a request from Zack Thomas to use the town hall Friday March 22, 2013 for a Funeral Reception.

A motion was made by Councilwoman Ryan seconded by Councilman John Thomas authorizing Zack Thomas to use the town hall on March 22, 2013 for a Funeral Reception. All in favor, motion carried.

Old Business:

071-13. A resolution was made by Supervisor Thomas seconded by Councilwoman Ryan to mail and continue with the dump cards for free dump day for the year 2013. Roll call vote, all in favor.

072-13 A resolution was made by Councilman John Thomas seconded by Councilwoman Ryan To enter into the Intermunicipal Agreement between the County of Warren and the Town of Stony Creek relating to solid waste and recyclable disposal services and solid waste and recycling transportation services. Roll call vote, all in favor.
The choice is to stay with Waste Management.

Attorney Cooper asked if the paperwork for the new payloader has been completed. Supervisor Thomas stated yes it is and he got a letter back today accepting the town's lease. They got the paperwork, insurance certificate and he faxed it and then mailed it to him. The payment is due the first of next year.

Committee report:

Councilwoman Ryan reported that the library will be having their Felt-Making Class in April. She attended the Bookbinding class and the Weaving Class, which had a very good turnout. there were a lot of out of towners that attended.

Supervisor Thomas reported he attended the Association of Towns in NYC and attended several different classes. He found out a lot of information on the Avoidable Health Care Act that's coming our way, which is going to be interesting and probably upsetting.

Some people from the State Comptroller's office was there to discuss their Physical Stress Monitoring, Limits of Confidentiality for Municipal Officers and Town Boards, Fraud Prevention and Detection, Budgeting in the Tax Cap era. He got to listen to Mr. Dinopoli and Mr. Schumer, Town Liability and Contract issues with the fire depts. which actually Supervisor Thomas made copies of that and gave to the Town Board and stated that Councilman John Thomas maybe familiar with some of it. Supervisor Thomas stated he learned a few things, he didn't know that the town was actually considered an employer of the fire dept. Councilman John Thomas stated for the Workman's Comp. portion of it. Supervisor Thomas stated not according to this. According to this it goes further then that. Attorney Cooper asked and also given a copy of this.

Supervisor Thomas stated it was interesting and you always learn something when you go and it's a worthwhile thing to attend.

New business:

VanAuken Road; private bridge:

Supervisor Thomas reported last week when we had the hard rain, Supt. Bradley had to remove the deck to a private driveway. When he talked to Supt. Bradley he said he talked to the landowner and he was pretty good with it but did inquire about if the town would go halves on the repair of the deck. Supt. Bradley did say it was up to the Town Board. Councilwoman Ryan stated we would have to get prices before we can do it. Supervisor Thomas stated he doesn't think we are obligated to do it. Councilman John Thomas stated he doesn't know why we would have to go half, it's a private bridge, and he removed it because of an ice jam thing?

Councilwoman Ryan stated an ice jam; Supervisor Thomas stated it washed the road out.

Councilwoman Ryan stated private bridge, did the owner put it there themselves? Supervisor Thomas stated he believes so yes. Councilwoman Ryan asked if it was built to standards?

Supervisor Thomas stated no he doubts it because we don't have any standards. That might lead to maybe we do need a policy. If someone is going to build a bridge off the town road across the creek there should be some kind of requirement or policy, something that they will confer to the Highway Superintendent.

Attorney Cooper asked if the road was damaged before the bridge was removed. Councilwoman Ryan stated it was washing away underneath. Supervisor Thomas stated the ice hit the bridge and stopped and the water went in the road and washed the road, it washed about a couple hundred feet of the road. Attorney Cooper stated the Highway Superintendent has the right to enter private property to abate a nuisance and constitutently we can't give money to an individual, however it was to protect our road and destroyed his bridge, he isn't going to argue whether we have the right to compensate him if we have the will to do it or go in on the repair of the bridge. You could thumb your nose at him and say we abated a nuisance that you created and tough luck. But that doesn't sound quite like the way Stony Creek does things. It's not his call to make. If you want him to research it further he will but he doesn't think he will find an answer.

Councilman John Thomas stated he doesn't think we want to set the precedent of doing this, once you do it. Supervisor Thomas and Councilwoman Ryan agreed. Supervisor Thomas stated it might be the right thing to do but he agrees with Councilman John Thomas.

Highway: Power washer:

Supervisor Thomas reported that Supt. Bradley received quotes for a power washer to wash the highway trucks off. They are in the amount of \$2900.00 up to \$3000.00, which includes an electric one in the amount of \$2300.00.

073-13. A resolution was made by Supervisor Thomas seconded by Councilwoman Ryan authorizing the Superintendent to purchase a power washer not to exceed \$3000.00. Roll call vote, all in favor.

Supervisor Thomas asked that the town board read over the booklet on Fire Protection Contract and Liability Issues for Towns that come under Non-for-Profit Section 1402.

Supervisor Thomas stated the more pressing issues with the emergency squad he is getting pressured by Luzerne and Hadley Supervisors.

Basically their EMS squad in Luzerne is losing money when they have to come up here for ALS. Councilman John Thomas stated Supervisor Thomas mentioned it a while ago and he has been keeping track of the calls. Councilman John Thomas stated we provide mutual aid for them also, we have been called twice for mutual aid and took one of their patients. We don't bill them, and as far as them missing a call because they are up here that hasn't been a case since he mentioned it to him about a month ago. It's easily tracked. Supervisor Thomas stated that is what he told him he doesn't think its that big of a deal but if you think it is we can talk about it. He isn't sure what they are after. He does think they are after something. Councilwoman Ryan stated money. Councilman John Thomas and Supervisor Thomas agreed, Councilman John Thomas stated every one of them wants money. We are the only ones left that runs their emergency squad through the fire dept. Councilwoman Ryan stated she knows everyone appreciates that because the billings can be ridiculous.

Supervisor Thomas stated he had met with Mr. Merlino, Supervisor from the Town of Lake Luzerne and Mr. Wright Supervisor from the Town of Hadley last Thursday.

When he talked to Peter LaGrasse, he said that maybe it would be more advantageous for Stony Creek to negotiate with Warrensburg because that's the way we travel. Supervisor Thomas mentioned that to them then all of a sudden a couple days later he is getting a phone call from the guy in Warrensburg. Mr. Melino got his signals crossed, they were under the impression we were negotiating with Warrensburg and he told him that is not what he told him. Councilman John Thomas stated mutual aid call is set up the same as far as a fire, structure fire, Luzerne and Thurman is our mutual aid its automatic. As far as an EMS call, if its closer to Luzerne District they get mutual aided and if it's closer to Warrensburg they get called.

Supervisor Thomas stated the way he understands it is ALS is the problem. He doesn't know how many calls we get. Councilman John Thomas stated its pretty easy you can go to the County and go back, it will take time but they have all the call list for the whole year. They can tell you how many times they had to mutual aid somebody else because Luzerne was up here to take our calls. He thinks it might have happened twice last year.

Supervisor Thomas stated he thinks it was something he should bring to the board and make people aware of. Councilman John Thomas stated on an average probably in a course of a year we probably take between 5-8 calls in their district that we actually transport for them because they are someplace else or have another patient, it kind of equals out. Supervisor Thomas stated he would think it would. Councilman John Thomas stated a lot of the ALS calls come through as ALS but when we get there more then half the time it can be knocked down off an ALS call, it depends on whose calling in the 911 call.

Supervisor Thomas stated we can read this over and come back next month and see what we think about it. He knows Peter did tell him that there was something in there about 501C3 and he said the fire dept. has forms, so that is a plus. Councilman John Thomas stated we are a 501C3. Attorney Cooper stated he doesn't remember to context, but back about 10 years we looked at the issue. There was a gentleman who came in and complained about the taxes, the allocation of the fire district taxes on his tax bill. Supervisor Thomas stated he believes that was Mr. Cronkhite. Attorney Cooper stated he will look back and see if he has a file on it that sheds shed some light on it. It might be in the booklet but the big worry was is the town responsible if a fire dept. responder had an accident with his vehicle on the way to the firehouse.

We are going to get sued you take that as a given. The question is how successfully and some years ago it was established in the court presidents that under those circumstances we may have liability. Supervisor Thomas stated he thinks according to the instructor we do. We are liable as a town. We've been doing this 50-year years or better.

Councilman John Thomas stated he has to look at the contract they have with the town, he doesn't know exactly how it states it whether it says district or provides. He thinks it says provides fire protection and list the Stony Creek Fire Co, Inc. Supervisor Thomas stated right. Councilman John Thomas stated he doesn't think it specifies one or the other whether it's a district or protection area. Supervisor Thomas stated its defiantly a fire protection district, its not a fire district but fire protection district.

Attorney Cooper stated the Statue defines the two differently.

Supervisor Thomas stated if it was a fire district you would have a Board of Directors.

Councilman John Thomas stated that's right that is what Luzerne has. Supervisor Thomas stated they would vote on their assessment.

Attorney Cooper stated everyone calls these local fire protection entities fire departments when in fact they are fire companies. There is a big difference in the law

Buildings:

Highway: Supervisor Thomas Insulation for the highway garage:

Supervisor Thomas stated this hasn't been ordered yet but it is on his list and probably will be getting that pretty quick. He thinks it will defiantly make a difference.

From the floor:

Attorney Cooper stated he would like to say that driving down the Stony Creek side it was much better maintained tonight then Thurman side. Councilman John Thomas stated he was told that two trucks belonging to Thurman broke down today.

Dale Aldrich stated the salt bill was higher. Supervisor Thomas stated he wouldn't be surprised. Mr. Aldrich stated probably higher then a lot of towns in Warren County. He has done a little digging. When you figure it out per mile. Other towns that are compared to mileage we have and with the town budget that they have its quite surprising.

A motion was made by Councilwoman Ryan seconded by Councilman John Thomas to adjourn the meeting at 7:41 PM. All in favor, motion carried.

Respectfully submitted,

Susan Harrington
Town Clerk