

September 16, 2014

The regular Town Board meeting of the Town of Stony Creek was held on September 16, 2014. Supervisor Frank Thomas called the meeting to order at 7:01 PM with members present:

Councilwoman Doreen Ryan

Councilman John Thomas

Councilman Carl Thomas

Attorney James Cooper

Absent: Councilman Nathan Thomas

August 19, 2014 minutes

A motion was made by Councilwoman Ryan seconded by Councilman John Thomas to accept the August 19, 2014 minutes. All in favor, motion carried.

099-14 A resolution was made by Councilman Carl Thomas seconded by Councilwoman Ryan to pay the General Fund Bills in the amount of \$9,147.70. Roll call vote, all in favor.

100-14. A resolution was made by Councilman John Thomas seconded by Councilwoman Ryan to pay the Highway Fund bills in the amount of \$17,426.35.

Discussion: Supervisor Thomas stated there was a question from Councilman Carl Thomas last month about difference in price of stone, \$6.75 from Greenfield and \$8.25 from Chestertown. The reason was they were paving in Chestertown.

Supt. Bradley stated he doesn't think Councilman John Thomas and Councilwoman Ryan knew that. The Highway Crew were within a mile where they were paving so rather than come back empty, they are always using stone so they are always going to grab stone. Also the calipers that Councilman Nathan Thomas brought up, one was not a core, one was bad and one was a core and it did go back. So that was taken care of. All cores go back unless they are damaged. Batteries; you will see batteries without the core, at some point they all go back. Blacktop; is another thing. Blacktop is more money at one plant and we may have to buy that most expensive blacktop, it's like \$3.00 more but the reason is sometime you can't get to the plant, you have the paver come and all towns meet up. It's a numbers game. All that stuff they check out, they are even shopping for filters. Some are 50¢ cheaper with one company so they may be swapping all the filters over. All that stuff is a reason why he does that. Roll call vote, all in favor.

Town Clerk report:

Conservation license	\$ 10.15
Fax	12.00
Photocopies	<u>1.50</u>
Total Town Clerk fees	\$ 23.65
Dog licensing	<u>90.00</u>
Total Town Revenues to Supervisor	\$113.65
NYS Ag and Markets	18.00
NYS Environmental Conservation	<u>173.85</u>
Total disbursed	\$305.50

Correspondence:

Dog Control Log-July and August 2014.

Jessica McCallum-permission to use the town hall September 21<sup>st</sup>, 2014 to hold a Retirement Party for Postmaster Denise Winslow.

Stony Creek Free Library-requesting Bed Tax Funds in the amount of \$400.00 to cover the cost of the live music for their upcoming Art Show Friday October 3, 2014.

Alicia Johnson-permission to use the Town Pavilion August 15, 2015 from 9:00 AM to 6:00 PM for their Wedding.

Warren County Public Health list of flu and pneumonia clinics.

Information on Distracted driving-texting and driving.

A motion was made by Councilwoman Ryan seconded by Councilman John Thomas authorizing Jessica McCallum to use the town hall on September 21<sup>st</sup>, 2014 for a Retirement Party and Alicia Johnson to use the Town Pavilion August 15, 2015 from 9:00 AM to 6:00 PM for their Wedding. All in favor, motion carried.

Councilman Carl Thomas asked on the Retirement Party if that has been already covered. Supervisor Thomas stated yes. Councilwoman Ryan stated that Denise Winslow's daughter would like the Retirement Party info placed on the fire co. sign. Councilman John Thomas stated yes and stated that there was an ad already in the Pennysaver.

Old Business:

Supervisor Thomas reported the Car Show is on the same day as Denise Winslow's Retirement Party.

Committee Reports:

Fire Co:

Councilwoman Ryan showed the Town Board the ad that will be placed in the Adirondack Journal for the Car Show, this will also be advertised in the Pennysaver and two radio stations.

New Business:

A Special Meeting will be held on October 7, 2014 at 6:30 PM to review the 2015 Town Budget. This will be the Town Board's opportunity to review the 2015 Budget and to make changes, approve or disapprove.

101-14. A resolution was made by Councilman John Thomas seconded by Councilman Carl Thomas authorizing the Supervisor to sign the Agreement between the Town of Stony Creek and the Adirondack Government Review Board: This Agreement made September 16<sup>th</sup>, 2014 between the Town of Stony Creek hereinafter referred to as the Town, and the Adirondack Park Local Government Review Board, a Board duly organized and existing pursuant to the provisions of §803-a of the Executive Law of the State of New York, acting by and through its duly appointed members, hereinafter referred to as the Review Board.

WHEREAS, the Review Board was created by the Legislatures of the State of New York and is composed of representatives appointed by the County Legislatures of the counties lying in whole or in part within the Adirondack Park; and

WHEREAS, the Legislature of the State of New York has provided only partial funding for the Review Board to perform its statutory functions as outlined in Executive Law §803-a, and recently reduced that funding by 53%, and

WHEREAS, the Town has authorized an appropriation in the sum of Three Hundred Dollars (\$300.00) in support of the work of the Review Board in representing the interests of the local governments of the Adirondacks; and

Now therefore, it is agreed as follows:

1. The Town agrees to pay to the Review Board the sum of Three Hundred Dollars (\$300.00) for the services of the Review Board in representing the town in matters relating to the Adirondack Park.

2. The Review Board agrees to provide to the Town the benefits of its services, including but not limited to, attendance at meetings of the Adirondack Park Agency, attendance and participation at public hearings conducted by the Adirondack Park Agency on projects under review by said agency, periodic reports on the activities of the Adirondack Park Agency to the Supervisor of the Town, especially as such activities affect the residents of the town and generally to report on the administration and enforcement of the Land Use and Development Plan set forth in the Executive Law of the State of New York. Roll call vote, all in favor.

Attorney Cooper asked if they arrived at the \$300.00 by any formula so we are paying less than Chestertown, Johnsbury or something like that. Supervisor Thomas stated he isn't sure about that. Attorney Cooper stated he thinks it's worth it and legal as long as they spend the money on the subjects indicated.

102-14. A resolution was made by Councilwoman Ryan seconded by Supervisor Thomas authorizing the expenditure of Bed Tax Fund in the amount of \$400.00 to the Stony Creek Free Library to cover the cost of the live music for their upcoming Art Show Friday October 3, 2014. Roll call vote, all in favor.

103-14. A resolution was made by Councilwoman Ryan seconded by Councilman Carl Thomas authorizing the following budget transfer:

Debit Appropriation Fund Balance in the amount of \$15,000.00

Credit A7180.1 Special Recreation Personal Service in the amount of \$8,000.00.

Credit A7180.4 Special Recreation Contractual in the amount of \$7,000.00.

Discussion: Supervisor Thomas reported that this money is for the Dean Farm Trails Project. He has submitted all the documentation from 2013 and anticipate getting a check from the county for approximately \$20 to \$25,000.00 so this will replace this money.

Roll call vote, all in favor.

From the floor:

Carol LaGrasse asked if all the Town Board members received a copy of the Regional Assessment Report that Mr. Monroe mentioned in his letter. Supervisor Thomas stated yes, that was a smaller version of the first, updated version.

Attorney Cooper asked if that was the one that said that "we're all getting older and there's no one to man the volunteer services". Supervisor Thomas stated yes.

Clifford Johnsen Gill Road:

He has a piece of property this side of Gill Bridge on Gill Road. The bridge needs to be attended to and would like to know when it would be taken care of.

Supt. Bradley stated he has talked to Mr. Johnsen and Supervisor Thomas about it and thinks he is looking for something concrete. He told him he could do it next year unless the Board says something different. They can strengthen it, put new beams in it next year.

Supervisor Thomas stated he doesn't have a problem with it. Attorney Cooper asked what they would change the weight rating to. Supt. Bradley stated he doesn't really know, he will have to do research, have engineer plans drawn up. It's not something that's going to be thrown together, it will have to be 40-80 ton, that's what he wants to come across the bridge. Attorney Cooper asked if the State DOT is going to come and certify that it will stand that weight. Supt. Bradley stated yes.

Councilwoman Ryan asked how big the bridge is. Supt. Bradley stated 24 ft. 11 inches.

Carol LaGrasse stated that it's a county bridge then. Mr. Johnsen stated no. Supt. Bradley stated no he has been around and around with the County. Jeff Tennyson as arrogant as he is and Supt. Bradley has tried but it is our bridge. He has tried that angle and it doesn't seem to be working. 25 ft. is county bridge and 50 ft. is State. Mr. Johnsen stated it used to be a county bridge but then they narrowed it. Supt. Bradley stated it has never been a county bridge. Mr. Johnsen stated the county use to come and re-deck it. Supt. Bradley stated he wished he had some proof of that. Mr. Johnsen stated that goes back 42 years ago. Supt. Bradley stated if you can find proof of that we can get them to fix it. Mr. Johnsen stated he doesn't have proof of anything. Supt. Bradley stated that a county BIN number, when it was first done, was assigned by the State at some point in the 1980's, when they did start doing bridge inspections, they just left it alone because that was a prior road till they stopped doing inspections on them. They just did an inspection on it and rated it 4 tons, if it's right or wrong that's what they deemed it at. He went back and forth with Jeff Tennyson, George Vandusen and Kevin Hajos, they're not really very pleased with him, but they said they have nothing on it and the State says as far as they are concerned it was a county bridge but it could have been a screw up. There is no paperwork anywhere saying it was a county bridge except for they did see they assigned it a county BIN number. Councilwoman Ryan asked why he wanted the bridge to be able to handle more load. Mr. Johnsen stated one thing he can't get anything over 4 tons across the bridge, which won't allow even mobile homes going in because they have a weight of more than 4 tons. He has owned the property for 42 years and when they put the bridge embankment in they narrowed the bridge and Simeon Braman Sr. came and re-decked it because he called the county to re-deck it. The county wouldn't come and re-deck it because they measured it and it was less than 25 ft. now.

Supt. Bradley doesn't think the County can turn a bridge away because it turns to 24 ft. If it's their bridge and it gets done somewhere down the line. He has spent hours and hours on this thing. Supervisor Thomas asked if it was 42 years ago. Mr. Johnsen stated it was probably in the 1970's, mid 1970's. He came up here to go across the bridge and it was a wooden deck bridge, it wasn't even a steel deck bridge and there was a barricade across it. There are eight people, who own eight pieces of property that uses that bridge, so he took the barricade down and drove across it and went to see Simeon Braman Sr. He said it was a county bridge and he can't do anything and he called the county and the county said it wasn't no longer a county bridge because it's too narrow now. So he re-decked it and the town actually retook the bridge back, re-decked it and since then put a steel deck on it and on the other side made it a two

hundred foot town road on the other side of the bridge because at one time you couldn't go pass the bridge, you had to use it as a town road and continue down to go around and continue on Roaring Branch Road.

Supt. Bradley stated technically he believes just because it got shortened it doesn't automatically revert back to the town if it was a county bridge and it got shortened there would have to be some agreement that we would take it back, unless there is something somewhere. If it was a county bridge then it still should be a county bridge unless the board passed a resolution saying yes we will take the bridge back.

Mr. Johnsen stated as far as he knows there was a meeting, they took it back and made it a 200 ft. road on the other side, 200 ft. length.

Carol LaGrasse asked when that was. Mr. Johnsen stated the 1970's late 1970's.

Supt. Bradley stated NYSDOT was telling him that it's hard to believe that it was assigned a county BIN number. Mr. Johnsen stated it use to have a State Plaque and number on it. Supt. Bradley stated a BIN number and he doesn't know why they took it down.

Councilman John Thomas stated if the State assigned a county number as a county bridge how can the county say they're not going to do it.

Supt. Bradley stated the plaque was taken down more than likely because the State thought it was a private road. Someone didn't catch it until now. They have a State Inventory of all the bridges, anything under 20 ft. is considered culvert, so if it's a bridge under 20 ft. the State doesn't have anything to do with it. They won't even look at them. 20 ft. and above is a bridge, but 25 ft. and above would be a county bridge and then 50 ft. and above would be a State bridge, the State would have authority over it.

Warren County was real adamant and they did not want no part of talking to him about that what so ever, point blank and he just wanted to let them know he is just covering himself and the town. He wants to make sure whose bridge it is.

Councilman John Thomas asked when the extra property was given to the town it must have been signed over to the town at some point, if you could go back to the deeds. Mr. Johnsen stated it's always been a town road.

Carol LaGrasse stated it doesn't make it a town bridge. Councilman John Thomas stated no, he just wanted to point if it was physically signed over at some point you can go over to the county and find out when that was done and maybe something was attached to it.

Mr. Johnsen stated the town would have to know something. The road use to go through their property, through Abbotts property to Henry Soto's property and then back on to the road and he owned the property on Denecker Road too and it was the same thing there. They had a road that went all the way over, went passed the bridge just after Fodder Road. That's where that road came out.

Councilman Carl Thomas asked if that would affect the width of it. Supt. Bradley stated he can't make it no bigger. Councilman Carl Thomas stated it's just a single lane. Supt. Bradley stated yes and also stated you could make it bigger but you're talking money now.

Councilman Carl Thomas stated but you're talking moving a mobile or something across it.

Mr. Johnsen stated it's wide enough for that. Supt. Bradley stated it's going to effect the one lane bridge and heavier beams that all.

Supervisor Thomas asked if that's what we'll have to do put heavier beams in it. Supt.

Bradley stated yes, take the old ones out and all new ones in. He doesn't see it costing over \$10,000.00, it will be around \$5-\$6000.00 for the beams. He will call the State to see if it needs to be engineered or if he can just do it and have them weigh road test it and if he needs

more done. He will probably have it engineered done. He doesn't believe it will be that much. Supervisor Thomas agreed.

Mr. Johnsen stated he logged 300 acres on the other side of the bridge and more than 100 truckloads of wood has gone across the bridge except right now. Actually it used to be posted at 6 ton and then they changed it to 4 ton when they put the steel deck on it.

Supt. Bradley stated the State just tested it and its 4 tons. Mr. Johnsen stated it's the only bridge in the whole town that blocks access to your property. There is a 6 ton bridge on Bit 'N Bridle Road but you can come in either end.

Supt. Bradley stated that bridge, we didn't engineer and it was overkill. It would handle whatever you put over it but being he didn't engineer the plans they wanted it left alone and he said fine he'll leave it alone. That bridge can handle a lot of weight if he had the State test it.

Supervisor Thomas stated we need to resolve this if we're blocking them from their property.

Supt. Bradley agreed and asked if the Board wants to pass a resolution that he do it next year or just do it.

Supervisor Thomas stated as long as you do it.

Attorney Cooper stated he can put it in he's list of highways he intends to work on next year and when the Board approves that in the Spring then that seems to him that he's covered.

Carol LaGrasse stated from a financial point of view why doesn't the town make a formal request to the county for their proof of when they transferred this bridge to town jurisdiction.

Supt. Bradley stated they never owned it they're telling him.

Carol LaGrasse stated everyone knew it was a county bridge for years. People who knew about bridges, knew that was a county bridge. When they moved here in the 1970's they knew it was county bridge. Just be word of mouth, you said there was a plaque there that pretty much is an indication.

Supervisor Thomas asked if the BIN Number was still there.

Supt. Bradley stated no but he does have the BIN number. He called and that's how they tracked it down. One of the State guys investigated, went in their paperwork and said they assigned this. Is was around 1980-1982 they started testing the bridges and they only did it one or two years and they just eliminated it off their inventory because they thought it was a private road. So they did it and no one caught that it wasn't on it. Even though you get a paper, unless you have something wrong with it, they won't tell you. They say you will get a CD or whatever that says you need to address this and this. But you actually don't pay attention if there all good. But it was assigned a county BIN number, that's what he was arguing with them about even the State guy said technically they weren't getting involved with it because it's an issue between the county and your town, all we're (the State) going to tell you is we need to know who owns the bridge so they can send the paperwork to. That's all their concerned about. But they did say it seems awful funny they did get assigned a BIN number for the county.

Mr. Johnsen stated right now he is logging the property but he has to drag the stuff a mile through someone else's property. If he logs the East side of his property it extends a mile and  $\frac{3}{4}$ 's and that's not good economically either.

Supervisor Thomas stated one way or another they will get it taken care of either the County or the town. You'll probably get it done quicker with the town.

Supt. Bradley agreed and stated the county isn't touching it, there's no way unless you can prove something. He plans on doing it as soon as he can in the Spring unless you can find something different.

Mr. Johnsen stated any bridge over 40 Ft. is the State. Supt. Bradley stated the State is 50 Ft. Mr. Johnsen stated Denecker Road is 40 Ft. Supt. Bradley stated that's a county bridge, they do maintain that. Supt. Bradley stated technically if that was over, whoever put the face on the Gill Bridge at that point it could have been made to be a county bridge. Once they bought the embankments out they reformed them and pulled them out it only lacked 3-4 inches, we could have made the county do something with it. If somebody did it at a Board meeting where we would take it back, but doesn't know if anyone did that, but if it did happen then we're screwed anyways and we'll fix it. That's what happened it was over the 25ft. at one point and when he first took office he called George and he said no it's not 25 feet and he's right it's not 25 feet even though it was a couple inches short.

Supt. Bradley asked Carol LaGrasse if she could find proof or anything that it was a County bridge to pass it on to him.

Supervisor Thomas stated we will leave it as the Highway Dept. will fix it unless we can convince Warren County otherwise.

A motion was made by Councilwoman Ryan seconded by Councilman Carl Thomas to adjourn the meeting at 7:43 PM. All in favor, motion carried.

Respectfully submitted,

Susan Harrington, RMC  
Town Clerk