

April 17, 2012 Regular Meeting

The regular Town Board meeting of the Town of Stony Creek was held on April 17, 2012. Supervisor Thomas called the meeting to order at 7:01 PM.

Members present:

Councilman Harry Paul Gill

Councilman Nathan Thomas

Councilwoman Doreen Ryan

Attorney James Cooper

Absent: Councilman William Liebl

March 20, 2012 minutes-Corrections:

Page 152 change the DEC two Inspectors to Mr. Paszko and Mr. Dauphinais and Order on Consent.

A motion was made by Councilman Gill seconded by Councilwoman Ryan to accept the March 20, 2012 minutes with these corrections. All in favor, motion carried.

073-12. A resolution was made by Councilwoman Ryan seconded by Councilman Gill to pay the General Fund bills in the amount of \$22,972.56. Roll call vote, all in favor.

074-12. A resolution was made by Councilwoman Ryan seconded by Councilman Nathan Thomas to pay the Highway Fund bills in the amount of \$15,674.19. Roll call vote, all in favor.

Town Clerk report:

Conservation licenses	\$ 6.95
Faxes	3.00
Copies	<u>2.75</u>
Total Town Clerk fees	\$ 12.70
Dog Licenses	<u>35.00</u>
Total Town Revenues to Supervisor	47.70
NYS Ag. and Markets	7.00
NYS Environmental Conservation	<u>119.05</u>
Total Disbursed	\$173.75

Correspondence:

Stony Creek Free Library: permission to run the hot dog concession stand and the 50/50 raffle at the "Music in the Park" this summer.

John Bowe, 4-H Team Coordinator: Permission to use the town hall for a Hunter Safety Course on Saturday May 12, 2012 from 7:30 AM- 5:30 PM.

Ruby and Rick Moses: Permission to use the town park for a Graduation Party on July 14, 2012.

A motion was made by Councilwoman Ryan seconded by Councilman Gill authorizing the Stony Creek Free Library to run the hot dog concession stand and the 50/50 raffle at the "Music in the Park" this summer. All in favor, motion carried.

A motion was made by Supervisor Thomas seconded by Councilman Gill authorizing the following:

John Bowe, 4-H Team Coordinator: permission to use the town hall for a Hunter Safety Course on Saturday May 12, 2012 from 7:30 AM- 5:30 PM.

Ruby and Rick Moses: permission to use the town park for a Graduation Party on July 14, 2012. All in favor, motion carried.

Old Business:

Property and Causality Insurances bids:

Supervisor Thomas reported he set a deadline of this Friday at the end of the day to return insurance quotes. He anticipates at least three quotes to come back. One thing that complicates this is there is only about five companies that write municipal insurance, so when you advertise it one insurance co. will try to lock up all the companies, then you have to write letters and make other companies/agencies for the broker of that company.

The people he contacted was TD Insurance they have done our insurance in the past, Cool Insurance, Upstate Insurance and Rose and Kiernan Insurance who is our current agent. Rose and Kiernan has Prime of Black-Falter which is our current, Upstate Insurance has Houston Casualty, Cool has Trident, and TD Insurance has Selective, they e-mailed back to him and Selective refused to quote because they couldn't be competitive. He does anticipate proposals from Trident, Houston Causality, and Prime.

A special meeting will be held on Wednesday April 25th, 2012 at 6:30 to review and decide. The Insurance is renewable on May 2nd.

Highway- fuel tanks and floor drains:

DEC did submit back the rewritten Order on Consent. They did reduce the fine from \$13,000.00 to \$7500.00. They want \$500.00 paid when the Order is signed. The \$7000.00 will be due at the end of 2013. If we don't comply with the issues, there are 15 issues, 11 pertain to the fuel tanks and 4 pertain to the drains. If we don't comply within the time frame they will also tap on another \$21850.00 fine in reserve. This was written on April 5th and you have 30 days to sign the letter or not. Out of the 11 items that pertain to the tanks there are 3 that are outstanding plus the drains, that's why we hired an Engineer, Tom Suozzo.

To date Mr. Suozzo has put together a draft investigative work plan for the drains. He has also designed a preliminary tank and haul system the estimate of tank and haul is \$5000.00 to \$6000.00 plus the cost of having it emptied when it's full. The other option is to put in a treatment system and he estimates the cost on that would be \$30,000.00 plus. We would be required to get a SPEDS permit, which is a fee every two years. There would be a monthly or quarterly testing of the water discharged from it. That could run anywhere from \$500.00 to \$1500.00 it depends on what DEC would require to be tested.

On April 12th Mr. Suozzo and his partner were here. With the highway dept.'s help they uncovered the old drains at the old highway garage, the left hand when your looking toward the front of the building Mr. Suozzo took pictures of it and took samples of the dirt. Mr. Dauphinais from DEC required them to go in the garage and jackhammer two of the drains. It was his opinion that there was a pit underneath the drain. Since that time they unearthed another drain pipe that went inpariducial with the other drain pipes and goes out toward the back of the building.

They uncovered the tank and dug up the first part of the drain pit, there is about 8 inches of water or oil and water in the tank. There is about a foot of sludge in the bottom. Mr. Suozzo indicted that Hometown would probably pump the water but doesn't think they will pump the sludge. It was suggested to contact MC Environmental in Hudson Falls, which he did, and the cost to remove the sludge was \$6000.00, which he thinks is a bit off the wall. Mr. Suozzo is looking at alternatives. He thinks we can get Hometown to take the water off the top but the sludge they are trying to do something else.

Supt. Bradley asked what the fines were for. Supervisor Thomas stated the tanks and floor drains. They didn't specify for what.

Attorney Cooper stated there is no allocation of \$200.00 for this and \$300.00 for that. It's like a lump sum fine for multiply violations. We start from the position that we are making the best of a bad situation because we don't seem to have a defense to the technical violations they sited us for. Once we fell into the classifications of a bulk storage unit, which is like over 1100 or 1300 gallons of fuel then all of these regulations apply. Even if we didn't do anything unintentionally we didn't comply. The DEC people have been real nice but they say, we ask for a substantial deduction and they said the presentation we made in Warrensburg in there judgment entitled us to substantial deduction subject to approval to the Regional Director, which was apparently given because they reduced it from \$13,000.00 to \$7500.00 of actual money. This is \$21,000.00 hanging over our head because it was \$28,000.00 before that. Supervisor Thomas stated it was almost \$30,000.00 if we didn't comply. Attorney Cooper stated they can't just forget about it because other towns have been sited and paid similar fines and all these things are on the internet and even if they like the cooperative approach that Stony Creek has taken in dealing with this problem, they just can't make it go away. So we have to pay a fine in their judgment \$7500.00 actual money is reasonable from their point of view. They tried to make it reasonable for us by deferring \$7000.00 of it until next year so we can budget for it because they hit us with a fine the first part of this year that we hadn't budgeted for.

The other good news is that Supervisor Thomas discovered that there is this other program called "Environmental Betterment Plan" which authorizes DEC to reallocate some fine money towards a project in the community that would better the community from an environmental standpoint. He wrote a letter to the Regional Attorney and sent a copy of the Dean Trail brochure and copy of the contract with ESF and asked if they would consider allowing us to allocate this fine to the Dean project in which case we can leverage another \$7500.00 out of the grant. He spoke to the Regional Attorney this morning in anticipating of this meeting and she said she just received his things Monday and she wanted to take time to look at it. She called him back and she said it looks like a great project but it doesn't fit in with what they have done in the past because what they are looking for is, if a community is in violation and wants to remediate and offer something, they would like a new project not just something that's on going. She did call back at 4:00 PM this afternoon just as he was leaving his office and she said she talked it over with the Regional Director and would like to work with us. That they think they could allocate \$5000.00 of this fine to this Environmental Program because they like the Dean Heritage Trail Project. They would be willing to massage their presidents where we would only be out of pocket paying a fine of \$2500.00 for the shortcomings of our oil storage.

That's where we are right now. He couldn't answer a lot of answers about the nature of the grant and so forth. He got the amount wrong, he thought we would match \$110,000.00 and get \$220,000.00 total.

Supervisor Thomas said it's a \$220,000.00 match so we would get \$440,000.00 total for the project. He suggested to her that we could have a conference call with the Supervisor, himself and her and he mentioned to Supervisor Thomas before the meeting and Supervisor Thomas suggested getting Wayne Lamothe involved too because he was the one instrumental in getting the grant from the Department of State and he knows all about. We may have a conference call on Thursday and get some of these things ironed out but as far as the way things could have gone, we came out of it relatively light and could get a whole lot better. We could get money for the Dean Trail Project that we might have spent anyway and only have to pay the \$2500.00 of actual penalty for our shortcomings. That doesn't take in to account what we had to paid the engineer to come up with a program for us to come into compliance and it doesn't take into account the future expenses of having the tank pumped out and things like that, but that is what we have to do to be in compliance with the law then we will have to budget for it.

Supervisor Thomas stated if this comes altogether this would be helpful and we could apply the \$5000.00 toward the towns share of the match.

075-12. A resolution was made by Councilwoman Ryan seconded by Councilman Gill authorizing the Supervisor to sign the NYS DEC's Order on Consent. Roll call vote, all in favor.

Hamlet Revitalization:

Supervisor Thomas stated Stephanie e-mailed him. The final draft of the plan and he made copies of the e-mail on a disc so each board member would have at least a copy of it. The plan is for them to have it, look at it digest it and table it until next month's board meeting. He isn't sure if representatives from LaBerge will be here, he will try to have them here. She did e-mail him telling him that she will be mailing five paper copies and also a CD. She said any edits, issues, or questions to contact her. They did say they could make adjustments to it. He doesn't think they will rewrite the whole thing but will make adjustments to it if the Board members felt there was something they didn't like or wanted to change. He also contacted Dillon Walroth with DEC, who the grant is through and in process of putting together the paperwork to submit to him to get the reimbursement process underway. He does have a copy of the draft, it isn't the final draft but it's the original draft he received a week after the last board meeting.

Supt. Bradley asked what they are looking to do. Supervisor Thomas stated it's basically a concept plan for the hamlet, how we could improve it. It's ideas right now, but it's kind of a plan to start.

Francis Dean Heritage Trails:

Equipment quotes:

Supervisor Thomas stated that Sandi Payne has worked very diligently at this and done a lot of research on various pieces of equipment and purchased some smaller tools, hand tools and a chainsaw.

Item 1. Would be a skid steer: this would be a rental type situation. It's his understanding that we will need a roller and post hole digger, especially when we get to building the boardwalk across the lands, that's what they recommend. The roller will be needed to contact the rubble and stuff.

Skid Steer: There are six companies, Falls Farm and Garden, Bobcat of Saratoga, Advance Rental, Mulholland, Capital Tractor.

Supt. Bradley asked if these were under State Contract. Supervisor Thomas stated he wasn't sure.

Sandi stated the rentals, the only one that had a municipality was the Bobcat and Falls Farm and Garden. Supt. Bradley stated Nortrax should be under state contract. How long did you put on there you need it for? Sandi reported this was a monthly rental. There is no long-range plan. Supt. Bradley stated usually state contract is three-weeks and you get the fourth-week free. Supervisor Thomas stated we are looking at 3-4 months. Sandi did ask for one with tracks.

Item 2: Wagon which would to move the rubble and will need some kind of trailer to move it, they aren't huge and will fit on the trail. They range from \$1700.00 to \$2400.00 with up to \$300.00 shipping. One can be picked up in Troy.

Item 3: UTV's/ Mules/ ATV's: eight prices ranging from \$12798.00 down to \$9738.00. They are leaning toward diesel fuel because he assumes the skid steer would be diesel. The fuel would be the same, you would have one tank instead of two. They thought this would be better for the town in the future to have something like this because the town has taken on the maintenance of these trails also. We are going to have some way to carry tools to cut a tree or repair the trails. This would be more use than an ATV. In the future if we found this wasn't working out we could sell this and get an ATV.

Sandi stated on the left side, Dean Farm side is designated as handicap accessible and has to be 60 inches, certain grades, and certain boardwalk to comply. Supervisor Thomas stated there are two bridges that have to be built and another section of boardwalk to be built up the creek across from where Emrick's and Waterhouse's live.

Councilwoman Ryan stated there would be more use from UTV's/Mule than an ATV.

Supervisor Thomas stated he was looking them over and he likes the Bobcat as far as the Mule because of the attachments to it. You can put a plow on the front or a bucket. He thinks we would get more use out of it. Sandi stated she like the Bobcat, she went to the dealerships and looked at them, she stated the Bobcat seemed more of an equipment to her. Supervisor Thomas reported that arrangements have been made to store the equipment at the Historical Association barn, Sandi has inventoried everything that was put in there. She has the serial numbers, labeled everything and took photos. Supervisor Thomas would like the highway department to haul #2 stone when needed.

Sandi recommended on the wagon the ABI because it has a hydraulic dump.

Supervisor Thomas stated that the rental can be applied to the matched grant as to the purchase can't be.

Supervisor Thomas stated that Wayne LaMothe from Warren County Planning did say the town has accumulated \$22,000.00 toward the match already.

Supt Bradley stated the roller the Town of Thurman has is a small driveway one, you're not paying for it so you won't get the money for it. Attorney Cooper stated you can allocate the hours, the in-kind service, say if you rented it, it would be this much you got it for free.

Supervisor Thomas stated we are talking about 6-7 inches of material. The rent for the roller was about \$600.00 a month.

076-12. A resolution was made by Councilman Nathan Thomas seconded by Councilwoman Ryan to rent a skid steer Bobcat T190 not to exceed \$2,000.00. Roll call vote, all in favor.

Supervisor Thomas will check with Nortrax on state contract prices for the skid steer with tracks.

077-12. A resolution was made by Supervisor Thomas seconded by Councilman Gill authorizing the purchase of an ATV wagon 1600U in the amount of \$1,699.00. Roll call vote, all in favor.

078-12. A resolution was made by Councilman Nathan Thomas seconded by Supervisor Thomas to purchase the Bobcat 3400 Diesel Deluxe in the amount of \$11,567.08. Roll call vote, all in favor.

Highway equipment:

Used highway tandem truck:

Councilwoman Ryan reported a replacement truck was found. The Town of Inlet has one for sale. This will be to replace the truck that was damaged in the winter. We can get it for \$50,000.00. We are looking at fund that we have and are available. It's really close for what they want for it. It's up for bid but they can get that much for a trade in.

Supt. Bradley stated that he told Supervisor Thomas about this, he couldn't find any other trucks, if you want him to run four trucks that he has that is what he will do. He knows it would deplete Machinery.2 and the insurance money. He isn't happy about this but he is just throwing it out there. He talked to Councilwoman Ryan and Councilman Gill on the Highway Committee. He wanted to tell Councilman Nate Thomas to let him know more about it. Councilwoman Ryan stated she would bring it up.

Supt. Bradley stated if we go that way we would have to buy a tri-axle because you need the room. We can put our box on it, which will be done in-house it would take about a month with about four people and saving \$10,000.00 in labor. And if you buy a new truck next year, which you can buy one right now for \$110,000.00 with no box or plow with nothing and put our stuff on it would cost \$60,000.00 and add another \$10,000.00. He hasn't found anything that isn't rotted. Again you say run with what you have then that's what we do. This is something he ran across and it looked like a good deal.

Councilman Gill stated one of the trucks he has now is one with the broken frame. Supt. Bradley stated yes. This is a 2004 with a new motor warranted and it has air controlled plow wing everything comes with it.

Our problem was he wished he should have done more arguing with the insurance company because the truck we had was worth way more than what we got. All the trucks with tri-axles he looked at had 500,000 miles or more on them. If the town wants to hold off four or five years and try to budget the money, we do need a loader at some point. He would like to see a loader then a new truck, swapping that out. The Town of Inlet can get \$50,000.00 trade, so if they don't get the \$50,000.00 for the bids they are just going to trade it in. He looked at another, they wanted \$70,000.00 for a trade in. The Town Board and Supervisor suggested Supt Bradley go to Inlet and look at it. Supervisor Thomas will give it more serious thought because we don't have a Fund Balance.

Supt. Bradley stated just so everyone knows, why are we at a negative. Supervisor Thomas stated we spent all the money last year. We ran the Fund Balance down to zero. Supt. Bradley stated we are negative \$27,000.00. Supervisor Thomas stated we are negative when you figure in the Unexpended in the budget. There was about \$17,000.00 that was left over from last year. That's why it's \$27,000.00. Supt. Bradley stated when you budgeted you figured there was going to be this much left over and there wasn't right? Supervisor Thomas stated no, we spent it but all that was left in the budget was \$17,000.00. We already took the Unexpended for 2011 off the Fund Balance so we spend down to zero and now you have Unexpended for this year. So when you take what's left over in the budget that leaves the negative part.

Supervisor Thomas stated people need to know also that we dealt with two major rainstorms three-quarters of the dirt roads were washed out. That's where the money went. We just didn't go out and have a good time.

Councilman Gill reported he asked Supt. Bradley to pick up the tires that are disposed on the ground by the Thurman line on Warrensburg Road.

Councilwoman Ryan asked how much we pay to get rid of the tires. Supervisor Thomas stated they go by weight, it use to be \$69.00 now they have it at ~~\$~~58.00. We can put six tires at a time in the garbage. We charge \$2.00 for the small ones and \$4.00 for the big ones.

Councilwoman Ryan stated there is a guy who picks up tires she pays like 80¢ a tire. She will find out more information on this.

Veterans-Memorial Day:

Supervisor Thomas reported the Memorial Day Parade will be held on May 28th, 2012 at 1:00 PM. This is due to Lake Luzerne holding their parade at 11:00 AM.

Youth, Parks and Rec.

Councilman Nathan Thomas reported he had a chance to talk to Marcy, Program Director on April 6th. She said she has a lot of things going on this summer, but with very few kids coming out for anything going on right now, she has only 5-6 kids and with 3 being hers she really didn't see the point of continuing on.

As far as the swimming area at the park, once again working with the water damage is this something we are going to want to work at.

Supervisor Thomas stated he talked to Supt. Bradley today. Supervisor Thomas is going to contact Soil and Water and see if there is some way to shut the creek off and pump it over or find a way to clean the area.

Lifeguard:

Councilman Nathan Thomas stated they are having courses at the Glens Falls YMCA for lifeguard and if someone was interested.

Supervisor Thomas stated this is something we should advertise for. In the past the town has split the cost and paid for some of the training.

079-12. A resolution was made by Supervisor Thomas seconded by Councilman Gill to advertise for the lifeguard position. Roll call vote, all in favor.

Councilman Nathan Thomas asked if we were going to advertise for a Summer Assistant also. Supervisor Thomas stated for the Youth Program. Last year she got one and he let her decide whom she wanted. She was the Director and she has to work with them.

New Business:

Cemeteries:

Supervisor Thomas stated late toward last summer John Thomas asked about Dean Cemetery. Attorney Cooper and himself paid John Thomas a visit and from that Attorney Cooper drafted a letter. It's something he doesn't want to go away. We have a couple of new board members. He thinks its something we should do or work at. It could get more involved then we suspect. He thinks it is worth a try.

Attorney Cooper is suggesting eight items. Solicit volunteers to form a committee. The committee should include the Town Historian and Assessor. Supervisor Thomas has spoken to Harold and asked him, he has worked these cemeteries. Basically you go around and locate and view the cemeteries in town. Make recommendations back to the town board as to some things we may do to the cemeteries or attempt to do. Which is make an inventory of the cemeteries, determine if such cemeteries are public or private. What are the bounds of the public cemeteries, considering the limiting photography and physical features, which are roads, walls and fences. How and if the corners of the cemeteries should be nominated by the town, whether with interior bounds of the public cemetery is substantially filled with graves. In light of the condition, complete use of public cemetery for graves whether the town board should by resolution declare the cemetery closed with appropriate signage and public notice. Whether in such case the town board should allow exemptions for burial of family members and to what degree of kinship this exception should apply and how this should be proven and whether is it appropriate for the town board by resolution or local law to create regulations related to burial in the towns remaining public cemeteries.

These are Attorney Coopers suggesting. They may be other items, issues that might surface, as we get more involved in this. He doesn't want to let this go and not take any action on this. He thinks there are issues. One issue is the Town Clerk or the Town doesn't know when anyone gets buried until after we receive the Burial Permit. We should at least know when they are getting buried. There are several private cemeteries that aren't being used. Whether the town can legally declare them closed or not he isn't sure. That would be something to look at.

Councilman Nathan Thomas stated he knows we have a list of cemeteries in the town that Harold maintains them but beyond that taking deed research. Supervisor Thomas stated he thinks it would involve that because he isn't sure which cemeteries are town cemeteries. What he thought was a private cemetery turned out to be a town cemetery. So there could be others. Dean Cemetery he knows John Thomas did do some research, John Thomas stated it states in the deed that it is actually 100X200 owned by the Town of Stony Creek but right now the cemetery is like 200X500 its much further then it started to be. Attorney Cooper stated that Councilman Liebl seems to have an encyclopedic knowledge of all of the cemeteries in town. If you could get a half-hour of his time you could get quite a list from him. John Thomas stated Peter LaGrasse should also because all of those owned by the town should have an exemption on it. Councilman Nathan Thomas stated he is willing to do work on this.

Landfill/Recycling:

Business Park contract with LaBerge:

Supervisor Thomas stated the Town Board authorized the expense of \$4000.00 for a feasibility study for a business park at the town landfill.

It is being looked at going down on the right side, down to the shed and back to the property line. Himself and the Board members at the time thought it would be a good place for some sort of a business park, exactly what would be located there and what could be located there he isn't sure. He thinks the objective of this study was an engineer or people to take a look at the property see if there is room enough for a water and sewer, and how it could be setup. The project manager is Philip Koziol and he is an engineer. He was here about a week ago and he talked about a half-hour and they are ready to move on this. One thing he did suggest to him that came out of the Hamlet study is a building that could be shared by various businesses. There seem to be an interest of people in a couple businesses that work out of there home right now where they would be interested in actually going into a place of business and they would have a office there and be able to share electric and share a secretary better internet service and maybe get out of there house. He doesn't see any industrial complex down there but to him if we can locate four or five jobs down there or at least make a facility capable of doing that it would be a plus to the town. If the Board has any ideas of what should be there, how it should be set up or what they should do to share them. For \$4000.00, the amount of money they get per hour and such he doesn't think we are going to get a massive study but at least we will have some idea. This is a Moderate Intensity Use 1.3 acres.

Household Hazardous Waste:

Supervisor Thomas stated he is looking for suggesting on how we should deal with that. Last month he had three different people contact him as to how they could dispose of either paint or turpentine, paint thinner or chemicals they have at home. He believes there are companies that will come here for a fee and take it. He hasn't really researched it.

Councilman Gill stated there is a person that comes over where he works and recycles old paint and he will get a name of a person and details.

Supervisor Thomas stated he thought about setting up a date in the summer and advertise it and anyone that has that type of stuff and try to accommodate them.

Budget Transfer:

080-12. A resolution was made by Councilman Gill seconded by Councilwoman Ryan authorizing the following budget transfer:

Debit A64110.4 Publicity/Occupancy Tax Fund in the amount of \$25,000.00.

Credit A7180.1 Special Recreation Facility Personal Services in the amount of \$3000.00

Credit A7180.4 Special Recreation Facility Contractual in the amount of \$22,000.00.

Roll call vote, all in favor.

081-12. A resolution was made by Councilwoman Ryan seconded by Councilman Thomas authorizing the following budget transfer:

Debit DA5130.2 Machinery Equipment in the amount of \$4200.00

Credit DA5130.4 Machinery Contractual in the amount of \$4200.00

Roll call vote, all in favor.

From the floor:

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

Respectfully submitted,

Susan Harrington
Town Clerk