

May 21, 2013 Regular Meeting

The regular Town Board meeting of the Town of Stony Creek was held on May 21, 2013. Supervisor Frank Thomas called the meeting to order at 7:01 PM with members present:

Councilman Harry Paul Gill
Councilman Nathan Thomas
Councilman John Thomas
Councilwoman Doreen Ryan
Attorney James Cooper

April 16, 2013 minutes Correction
Page 14-change 105 million to 1.5 million.

A motion was made by Councilwoman Ryan seconded by Councilman Gill to accept the April 16, 2013 minutes with this correction. All in favor, motion carried.

078-13 A resolution was made by Councilman Gill seconded by Councilman Nathan Thomas to pay the General Fund bills in the amount of \$32,407.38.

Discussion: Supervisor Thomas stated the major part of that was Cool Insurance Agency. for Trident Insurance Property and Causality Insurance was \$26,495.82. Roll call vote, all in favor.

079-13. A resolution was made by Councilman Nathan Thomas seconded by Councilwoman Ryan to pay the Highway Fund bill in the amount of \$18,889.96. Roll call vote, all in favor.

Town Clerk report:

Conservation licenses	\$ 6.68
Certified Marriage Copy	<u>10.00</u>
Total Town Clerk Fees	\$ 16.68
Dog Licenses	<u>12.00</u>
Total Town Revenues to Supervisor	\$ 28.68
NYS Ag and Markets	2.00
NYS Dept. of EnCon	<u>114.32</u>
Total disbursed	\$145.00

Correspondence:

Dog Control Log for April

Bonnie and George Bills-permission to use the town pavilion July 6th, 2013 for a Birthday Party.

Stony Creek Free Library-permission to run the food concession stand and 50/50 tickets on the "Music in the Park" nights and also on Saturday September 7th when they will host an "Olde-Time Music".

Stony Creek Chamber of Commerce-requesting Occupancy Tax Funds in the amount of \$8900.00 in support of the Stony Creek Mountain Festival held on August 2,3 and 4th 2013.

A motion was made by Councilman Gill seconded by Councilwoman Ryan authorizing the Stony Creek Free Library to run the food concession stand and the 50/50 raffle at the "Music in the Park" this summer and also on Saturday September 7th for the "Olde Time Music" night. All in favor, motion carried.

A motion was made by Councilman Gill seconded by Councilwoman Ryan authorizing George and Bonnie Bills to use the park pavilion on July 6, 2013 for a Birthday Party. All in favor, motion carried.

Old Business:

MEGA (Municipal Electric Gas Alliance)

Supervisor Thomas reported this has been around for a few years. Its like a cooperation, there are 30 counties that participate in it along with several towns. It is private companies, what they do is put electricity supply out to bid and try to get the lowest prices for their membership. Its run by former Supervisors and County Legislatures and also organized by NYSAC, which is New York State Association of Counties. He sent them the towns account #'s and asked for a quote for the town's usage, they sent back a price of \$.07247¢ per kilowatts hours. This price can be locked in up to 28 months. Councilwoman Ryan asked if this was a commercial rate? Supervisor Thomas stated this would be commercial rate.

Supervisor Thomas stated the energy supply company is Integrys Energy services of New York also MEGA has a consultant called Energy Next they are located in Saratoga. He talked to a gentleman from Energy Next, he basically told him that probably on an average that's about what we are paying now. He said sometimes its cheaper, it will spike. It spiked this last winter and he expects it to keep spiking like that because so many people switched to natural gas, they don't have the pipeline capacity to supply gas and that shoots the price up. Integrys is a reliable Co. and its cheaper then what we are paying now. He told Supervisor Thomas that it's not like we have sewer and water plants where we are running motors all the time. He said the highway garage is the biggest user and that's during the day, which is the height, so we pay the premium. He basically said that's about the best we are going to get. Councilman John Thomas stated that's just cost for kilowatts, that's not delivery right? Supervisor Thomas stated right just the supply. Supervisor Thomas stated he received an e-mail from a lady at Integrys, she said we could also set up a different fixed term which could be less, could be a year or three months. Councilwoman Ryan stated when they said fixed rate did they say it was for six months or nine months. You get it for that then it goes automatically to what the standard rate would be. The standard rate still may be cheaper then the other Co.'s but your guaranteed the low rate for the fixed amount of time was.

Supervisor Thomas stated he felt he couldn't enter into an agreement that could lock the town in for 28 months without the town boards approval. Councilman Nathan Thomas stated this would be up to 28 months. Supervisor Thomas stated yes 28 months. We can provide term lengths of however short or long lengths of time the town likes up to 28 months that's when the contract ends. Councilman John Tomas asked if there was a cap on the rate as to what the percentage of what it would go up if it does go up, according to the market? Supervisor Thomas stated after the contract? Councilman John Thomas stated yes. Supervisor Thomas stated they don't discuss that. Their contract is with MEGA. They put it through Alliance and it runs out in 2015. He would think this price would probably stay close to where it is. Councilman John Thomas stated we would save money on it. Supervisor Thomas stated its certainly cheaper then some of the supplier we had. Councilman John Thomas moved to accept Integrys services. Councilwoman Ryan asked about the time limit. Councilman John Thomas stated we could go for the 28 months, you can go with 12 months but he would go for the full term.

Attorney Cooper asked if there was a penalty for backing out after 28 months. Supervisor Thomas stated no because the contract ends and has to rebid again. Supervisor Thomas stated the gentleman in Saratoga will e-mail information as to bid documents and results.

080-13 A resolution was made by Councilman John Thomas seconded by Councilman Gill to accept the MEGA proposal and enter into the agreement with Integrys Energy Services for 28 months in the amount of \$.07247¢ per kilowatts contingent upon Attorney Cooper reviewing the contract. Roll call vote, all in favor.

Highway:

2000-Gallon gas tank:

Supervisor Thomas stated there was a gentleman here today offering his services of hooking up tanks. A while ago he priced out a tank similar to that one and the price they came back with was about \$14,000.00. He doesn't think, we could hope to get that much money, but he thinks \$5,000-\$6000.00 would not be out of the question. Councilman John Thomas asked Supt. Bradley if this is something he wasn't going to use or need at any point. Supt. Bradley stated no unless you want to hook it up your going to need an ansul system and everything else. Supervisor Thomas stated it has been declared surplus once before but that was a different town board so he would just a soon do it again and advertise it and see if we can get rid of it. Councilman John Thomas stated declared it surplus?

081-13. A resolution was made by Councilman Gill seconded by Councilwoman Ryan to declare the 2000-gallon double wall gas tank as surplus material and sell it. Roll call vote, all in favor.

Van Auken bridge:

Councilman Gill asked if Mr. Nelson went and looked at the surplus decking to repair his bridge? Supt. Bradley and Supervisor Thomas stated no he hasn't seen or heard from him. Supt. Bradley stated there was about \$7-\$8,000.00 of damage with the trucking and stuff. If they didn't plow snow in the creek we would have had that issue. This wouldn't have happened. Attorney Cooper asked, "He plowed snow into the creek/brook?" Supt. Bradley stated Mark Thomas was the snowplower for the property and he plowed the snow into the creek and that's what caused the backup, flooding.

Committee reports;

Supt. Bradley asked if the board was ok with paving Cudney Hill Road. He discussed this with Supervisor Thomas and it is real bad. He is planning on ripping it up and paving it, one lane. It isn't in the Item 1 Agreement. Supervisor Thomas asked if he was just putting a binder on it. Supt. Bradley stated yes, he thinks it will be around \$10,000.00. Supervisor Thomas stated he doesn't think it would hurt because 5-6 people live on it. Councilman John Thomas asked if that would be above and beyond what his paving is? Supt. Bradley stated yes. Councilman John Thomas stated it's going to be an extra amount? Supt. Bradley stated yes, he's not sure if it will be \$10,000.00 or not, he really hasn't figured it out, that's a rough estimate. Attorney Cooper stated don't you in the Spring or Winter. He thought we considered a list of the town roads you were planning on working on this Summer, this wasn't one of them?

Supt. Bradley stated yes and he wants to make another change to if they want to do it or not but he wants to discuss this one first, its up to the Board.

Supervisor Thomas stated we will be receiving extra CHIPS money. Councilman John Thomas stated we can use that to cover the paving or what we are doing on Cudney Hill Road. Supt. Bradley and Supervisor Thomas stated yes. Supervisor Thomas stated we should be getting an extra \$22,000.00. The total CHIPS would be \$116,000.00. Supt. Bradley stated even with that we still can't do two miles. Councilman John Thomas asked where else he was planning on paving. Supt. Bradley stated we were going to do Lanfear Rd. again he talked to Supervisor Thomas, Roaring Branch Road is really bad so he doesn't know if you want to do Roaring Branch Road up to Fodder Road and try to do Lanfear Rd. next year. Councilman John Thomas stated Roaring Branch Road is, especially in the Winter, he doesn't know if you will need to dig that up. Supt. Bradley stated the way to do that road proper is grind it, put 7-8 inches of gravel on it and then re-do it, but we can't afford to do that. We can barely afford to do the two miles. It will start by the Beelers home and go to Fodder Road because the rest isn't bad, he will try to do the full 2 inches compacted on that. They are behind in the paving about 6 maybe 7 miles because each year the paving goes up so we get less. We are trying to catch up about a mile a year. One year we didn't pave, last year we could only try to repair the center of the road on Lanfear so that is prepped. He thinks it can go another year but thinks Roaring Branch needs it more. The Item 1 Agreement is for Lanfear Rd.

Councilman Nathan Thomas stated Supt. Bradley wants to change the Item 1 Agreement from Lanfear Rd. to Cudney Hill Rd and Roaring Branch roads. Supt. Bradley stated that's up to the board. Councilman Nathan Thomas and Supt. Bradley agreed it would be better to do Roaring Branch and Cudney Hill roads.

Supervisor Thomas stated in his opinion he rode both of the roads and thinks Lanfear Rd. will be all right for another year. Supt. Bradley stated Lanfear Rd. in the winter is fairly smooth it doesn't really heave; there are no culverts on it.

082-13. A resolution was made by Councilman Nathan Thomas seconded by Councilman Gill to amend the Item 1 Agreement and repair and put a binder on Cudney Hill Road and repair and pave Roaring Branch Road to Fodder Road. Roll call vote, all in favor.

Supt. Bradley stated Harrisburg Road pass Harrisburg Lake is finished and would like to place a sign " Road Conditions Beyond this point are Hazardous".

Supt. Bradley stated the road into Harrisburg is done; it's a real nice road. You can put a car in there now. He thinks it's a good asset; people can start getting in to the creek to fish. Supervisor Thomas agreed. Councilman John Thomas stated it use to be a place to play in the mud. Supt. Bradley stated there is one spot where DEC wouldn't let them put a culvert in, just before the bridge, before you get to the ford.

Attorney Cooper asked if the State was still after him to construct the bridge over the creek. Supt. Bradley stated he hasn't heard anything more about that. He stated the road is nice going in but at the ford it drops off and washes out every Spring. If the State let's them put up a sign and it says something like no cars beyond this point or only 4-wheelers suggested. If that's anything we should do in case a little old lady goes in there and gets stuck and tries to sue the town.

Attorney Cooper stated it wouldn't hurt to put a sign, "The road is not appropriate for passenger vehicles beyond this point", if you feel that's the situation. Attorney Cooper stated he didn't research this because he wasn't asked but his first impression is we're not responsible for conditions that are observable by the drivers and are not the result of the towns work, but if we attempt to improve something, make it a certain way the argument could be that maybe we were negligent in the effort that we made. Then we are liable. That's why we have insurance so if something goes wrong we have somebody to stand behind us and buy us a lawyer and pay the claimant to go away, but it still brings us back to the fact that you have a responsibility to the citizens and visitors not to make a trap for them. Supt. Bradley stated we didn't touch the ford but we worked both sides of the road, they weren't allowed to touch the ford. Attorney Cooper stated yes the State won't let us. Supt. Bradley stated because of the water and stuff you have to get a permit. Attorney Cooper stated you could put a sign up, "the travel beyond this point is hazardous" and let people use their own life experience to decide what that means. Councilman John Thomas asked if it's marked a seasonal road. Supt. Bradley stated no, but it should probably be now. The State will probably give us a problem putting a sign in there, they will say it will have to be made out of wood, you can't cut brush in there so you probably can't put a sign in there.

Library:

Councilwoman Ryan reported the Library and Marcy, Youth Director started the Community Garden at the Library.

Mini Park on the Four-Corners:

Supervisor Thomas reported in the bills there were some retaining wall blocks from Home Depot he purchased these because the wall that the county put in along the creek, the upper end of it, about three feet high and tapers down to basically nothing, he is going to put a retaining wall there. Its slipping out beneath the fence and if someone walks over there they could slid down between it, the ground and the fence. Councilman John Thomas asked if the county was going to come back and do more work, he noticed that other spots are settling by where the hydrant was. It looks like it wasn't compacted enough and he didn't know if they were completely done there. Supervisor Thomas stated he doesn't think they are.

Town Hall:

Supervisor Thomas reported he purchased some underlayment and ordered some flooring for the kitchen and hallway in the town hall. When the flooring comes in Harold and himself will install it.

Francis Dean Farm Heritage Trails:

Supervisor Thomas reported that Sandi and the crew are back working on the trails. They received bid proposals from a couple of people and knew of others so the accepting of bid proposals for the signage has been extended until June 3rd, 2013. MaryBeth Mitcham who resides on the corner of Harrisburg and Lanfear road is finishing up an environmental studies course and volunteered to document the signs as to wildlife, plants and help the designer or artist with the signage

APA Local Government Days:

Supervisor Thomas stated he attended the APA Local Government Days held in Lake Placid, which is collaboration between the APA and the Adirondack Association of Towns and Villages. They have a day and a half conference in Lake Placid. He went up the second day and attended some of the seminars there are various topics. The general push seemed to be that municipalities and people in the park should learn how to take more advantage of their natural assets including the forest preserve and try to encourage tourist to come here and visit and enjoy what we have to offer as far as natural esteem. There is also talk about some sustainability as far as wood lots; it is an interesting thing to go to. The extent seems there is no more cooperation to the park agency, the municipalities and environmentalist. That's what it is going to take is cooperation.

New Business:

Occupancy Bed Tax funds:

Stony Creek Chamber of Commerce request of \$8900.00 for the Stony Creek Mountain Festival.

083-13.A resolution was made by Councilman Thomas seconded by Councilwoman Ryan authorizing the expenditure of bed tax monies in the amount of \$8900.00 to the Stony Creek Chamber of Commerce to be used for the Stony Creek Mountain Festival on August 3-4-5, 2012. Roll call vote, all in favor.

Francis Dean Farm Heritage Trails:

Establishing rates for operating small tools for the 50/50 grant.

Supervisor Thomas reported that he was talking with Wayne LaMothe with Warren County and he couldn't find rates on small tools. Mr. LaMothe told him the town board should pass a resolution to establish their own rate. This is for people who donated tools and their time. The Board suggested to checked with Braley and Noxon, Curtis Lumber etc. to see what they charge for renting equipment and to come up with a reasonable rate.

Supervisor Thomas reported the Memorial Day Parade will be held on May 27th at 1:00 PM with refreshments following at the town hall.

084-13 A resolution was made by Councilwoman Ryan seconded by Councilman Gill authorizing the following budget transfer:

Debit A1990.4 Contingent in the amount of \$3495.82.

Credit A1910.1 Unallocated Insurance in the amount of \$3495.82.

Roll call vote, all in favor.

A motion was made by Councilman Gill seconded by Councilwoman Ryan to adjourn the meeting at 7:48 PM. All in favor, motion carried.

Respectfully submitted,

Susan Harrington
Town Clerk