

September 17, 2013

The regular Town Board meeting of the Town of Stony Creek was held on September 17, 2013. Supervisor Frank Thomas called the meeting to order at 7:01 PM.

Members present:

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

August 20, 2013 minutes: Corrections

Page 46- change Panna to Pannier. Change APA to ADA.

Page 48 change quick to quit.

A motion was made by Councilman Gill seconded by Councilwoman Ryan to accept the August 20, 2013 minutes with these corrections. All in favor, motion carried.

115-13. A resolution was made by Councilman Gill seconded by Councilman Nathan Thomas to pay the General Fund bills in the amount of \$7,887.01. Roll call vote, all in favor.

116-13. A resolution was made by Councilwoman Ryan seconded by Councilman Gill to pay the Highway Fund bills in the amount of \$102,823.92.

Discussion: Councilman Nathan Thomas asked if the salt delivered was this years or last years contract. Supervisor Thomas stated last years and also \$89,000.00 of the bills was for paving expense and fuel. Roll call vote, all in favor.

117-13. A resolution was made by Councilwoman Ryan seconded by Councilman Gill to pay the Fire Fund bill in the amount of \$3,045.00. Roll call vote, all in favor

Town Clerk Report:

Conservation licenses	\$ 22.94
Certified Death copies	30.00
Copies	<u>.50</u>
Total Town Clerk fees	\$ 53.44
Dog licensing	<u>122.00</u>
Total town revenues to Supervisor	\$175.44
NYS Ag and Markets	24.00
NYS Dept. of EnCon	<u>618.06</u>
Total disbursed	\$817.50

Correspondence:

Dog Control Log for August 2013

Marcy Reisinger-resigning as Youth Director.

Joanne E. Adams, HLCS Bus driver- complimenting on a wonderful job Marcy and Angel Byron has done this year with the Stony Creek Recreation Program.

Peter LaGrasse, Assessor, regarding Carl Thomas's letter of July 17,2013.

PenFlex Services Award Program-resolution offering the Stony Creek Fire co's beneficiaries the option to be paid a one lump sum in lieu of the remaining guaranteed monthly payments.

Adirondack Association of Towns and Villages- resolution in support of the Towns of Indian Lake, Long Lake, Newcomb, Minerva and North Hudson concerning their plan for Economic Success.

APA Local Government Review Board-Agreement to pay \$300.00 to the Review Board for the services of attending meetings of the APA, attendance and participation at public hearing on projects and give periodic reports on the activates affecting the residents of the town along with a general report on the administration and enforcement of the land use and development plan set forth in the Executive Law.

Old business:

Lens Lake Dam:

Attorney Cooper stated he can advise the Board that he has been in communications with Jim McEnaney, Region Operations Supervisor for DEC. As indicated in the minutes he was trying to do this by memory a month ago. The Quit-Claim Deed was not from Mr. Johnson to the town for half of the dam, it was reversed. When he was able to examine the paper file he just discovered that fact and the result is, we don't own any part of the dam. We own an easement to access the dam to do the things we are actually obligated ourselves to do with DEC. Clean out the grates, mow and pick up litter, that type of thing. When this became clear to him he put the documentation together and sent it to Albany and also to Mr. Enaney. He told them that Albany's premise that we were owners therefore we were responsible for part of the dam update, engineering studies and emergency response plan, if there was a breach, was incorrect. Thereafter he got a phone call from Mr. McEnaney and he said it wasn't finalized yet. He was kind of guarded in what he said for reasons that isn't apparent to him. He said that it looked like Albany was going to re-classify the dam so we didn't have to do an Emergency Response Plan or Emergency Action Plan for breach. Obviously the town should be involved in that if we were responsible, but that's the last he heard on it. There has been no other response otherwise. He sent it to Albany and the Regional Attorney, five documents plus DEC's contracts and maps. So he thinks we're going to walk on this where we won't have to spend any money so that is a good thing.

Assessors: Sole appointed Assessor:

Supervisor Thomas reported last month Assessor Carl Thomas wrote the Board a letter and this month the Town Clerk read Assessor Peter LaGrasse's rebuttal. The Board last month discussed it and we asked the attorney to look into the legalities of it what's required and what we have to do.

Attorney Cooper stated he did research the issue. The answers are found in the Real Property Tax law. Before he discusses specifics he will discuss overall tone. Its really clear from the Real Property Tax Law that the Legislature, when they enacted this, expected they wanted most towns to go to one assessor because they say for instance, that once you do it there is no turning back. You can't pass another local law to recreate a Board. Once this is done it's a one-way street. That adds some overtone to the details of the procedure. The specific question he was asked to respond to was whether we could do this by resolution, whether we had to pass a local law and whether we had to have a referendum.

To answer those questions in order:

We cannot do it by resolution, we are required to enact a local law with all those procedures and there are other details in the Real Property Tax Law as to when the change would take effect, what happens to your seated assessor and when the terms would expire and so forth. So you can't do it by resolution. You have to enact a local law if that's what you want to do and you have to follow the procedure for enacting a local law but the Real Property Tax Law changes one procedure pretty significant and that is usually when you eliminate an elected office it has to be submitted to a Mandatory Referendum of the community and the Real Property Tax Law exempts the town from that responsibility in this particular regard. Again this looks like the state wants us to have one assessor and if a local law is proposed before the town they have an option to have a Permissive Referendum or you don't have to have a Referendum. As a representative to the people you can proceed to enact your local law and make your change but if you decide to an elimination of elected office and destruction of taxpayers rights you could have a Referendum and if your timing is right you could schedule it for General Election. Which we don't have enough time this year so that this could be put on the ballot the same time the offices are chosen and save the town some money that way. You wouldn't have to have a Special Election. That's the process. If anyone of you wants to do an independent research you can find the answers in the Real Property Tax Law and the procedure for enacting a local law in the Municipal Home Rule Law section 20.

Supervisor Thomas asked if there were questions on doing this if the board chooses to take this course of action. Councilwoman Ryan would like feed back from the town, she doesn't want to make a decision now.

Attorney Cooper added that it looks like you could eliminate the Board of Assessors and have one elected assessor under section 329 of the Real Property Tax Law if that is what you choose to do. In other words it wouldn't necessarily have to an appointed assessor. Supervisor Thomas agreed and stated it could be an elected. Attorney Cooper stated yes.

Councilman Nathan Thomas asked what is the qualifications of an appointed assessor is.

Attorney Cooper stated he didn't look into, that but he would imagine there must be criteria for it and one would think that it would exceed perhaps what we have now. All he can tell you is that the Town of Chester and Warrensburg share an appointed assessor. Other county towns may share assessors he doesn't know. It might get into the Civil Service law. It could get a whole lot complicated that he is confident in even trying to explain if he could study it himself.

Councilman Nathan Thomas stated he did a little on-line through the NYS Tax and it is a civil service. They are showing an office for six years. He doesn't know if its something we would set in out local law or if it's just the way they had it. Supervisor Thomas stated it is subject to Civil Service? Councilman Nathan Thomas stated yes, for sole appointed per NYS Assessors Board Website. Supervisor Thomas stated the cost would come into play here. Currently with the three assessors and their Contractual we have about \$20,000.00. Obviously we pay out the salaries and usually most of the contractual. He isn't exactly sure what an appointed assessor would cost. It should be answered before. If all of a sudden its \$40-50,000.00 that defiantly will have a bearing on it. He isn't saying it would be that much but he doesn't know.

Councilman John Thomas stated he doesn't know if you want to make this s a question, answer thing. He did look over the tax roll of Stony Creek he did notice, he didn't look at all the property, but some of them he had questions on. Two residents he knows have been on it a year,

Some have been on it many years then that. They are listed as seasonal residents; he isn't sure why that is. The campground on Grist Mill Road isn't listed as a campground it's listed as single family resident. That is some questions he has. He doesn't know what info is transferred from anyone when the assessors do them, he guesses everything is written on cards, he isn't sure if all of that or some of it is transferred to the site or how often its updated. That is one of the questions he has.

Supervisor Thomas stated he doesn't know he isn't on the assessment. He knows when property changes hands they get transfer paperwork from the County.

Supervisor Thomas stated he doesn't know if you draw up a local law if your going to have to get specific as to the amount of time this person is going to have to be here because he knows from being here at the town hall that the assessor's office gets a lot of activity. They get a lot of questions about exemptions, people dropping off papers, not amountable but he thinks we need to know these things.

Attorney Cooper stated it's a good point. We kind of have to have to go about it backwards. Reverse engineer position, what is the need now and therefore what would the participation need to be in the future; therefore what job requirements would be necessary. You have to ask around and see if you can find somebody that fits that bill on the money your willing to pay. Then go ahead and pass the local law because if you do it the opposite order you might find yourself painted in the corner. You may not be happy with the result.

Supervisor Thomas stated if the person is under the Civil Service Law then they would become a six-year appointment. So what happens in three years the Board is disgruntled. Can we get rid of him. He knows once you get into Civil Service that could get very difficult especially if they have been appointed to a six-year term. You could get struck with someone for another three years that no one likes.

Attorney Cooper stated or go through a very expensive hearing process to discharge them for cause.

Councilman Nathan Thomas stated we have the information of how to look into drawing up a local law and the option to get other information to figure out a lot more before we come back with it for sure.

Councilman John Thomas stated if all the other towns are doing it; it seems it would be fairly simple. Go see Luzerne, Thurman and talk with other towns see how and what time they are putting into it. See how they are handling it.

Supervisor Thomas stated why don't we do that. Find out some estimates on what the cost would be, how it's put together and come back next month. See what we come up with.

Dean Farm Heritage Trails:

Councilman Nathan Thomas asked if Supervisor Thomas found out if they could get the signpost in color. Supervisor Thomas stated no he didn't find that out, they are still working on putting the signs together.

Committee reports:

Supervisor Thomas reported that monies have been received in the amount of \$21,731.00 from the County as part of the match for the Dean Trails project. Additionally they paid for about \$16,000.00 in lumber also.

He also received half of the \$950.00 for the ad in the guide of the Southern Adirondack.

#### Landfill: Well testing

Supervisor Thomas reported he received a letter from Cedarwood Engineering a couple days ago. They have written a letter to Dale Becker Engineer Geologist II of NYS DEC in Ray Brook, which Supervisor Thomas read. They are requesting the reduction in monitoring the sampling of ground water at the closed landfill. The town has been sampling water on a quarterly basis for five-years. They are requesting a post-closure monitoring be reduced to one annual routine sampling of the five monitoring wells. The containment levels are low and sampling data shows the consistency in parameters overtime. They attached graphs with explanations of specific parameters predicative of ground water conditions at the site. The town realizes that the condition of monitoring reduction will be that the Town of Stony Creek submits an annual monitoring report from a qualified consultant as required by 360-2.15 subpart.

Supervisor Thomas stated Cedarwood has spent quite a lot of time looking over the reports that have been produced of the different levels of chemicals and stuff that they take out of the water. Its good to see they made the request to reduce this. He knows they have been working with other towns that are asking for the same thing. Hopefully that will pan out because that is \$1100.00 each time they do it. That would save about \$3000.00 a year.

#### Dean Heritage Trails.

Supervisor Thomas reported they are moving along. The wood working part of it is nearing completion and the connections to the museum has been made and also the connection to Lanfeer Road.

#### New Business:

##### Youth Director:

Supervisor Thomas stated he is sorry to see Marcy resign but however each person has there own situation and can understand they she did it. Now we have to figure out what we want to do. Probably advertise, accept letters of interest and probably conduct an interview depending on who responds.

Councilman Nathan Thomas asked if her assistant maybe interested and suggested asking her. Supervisor Thomas agreed and stated it would be a good idea to contact her.

Councilman Gill asked what this pays. Supervisor Thomas stated he believes it is \$10.50.

Councilman John Thomas asked how old the person has to be to be a Director.

Councilman Gill stated 18 or 21. Supervisor Thomas stated yes probably 18. Attorney Cooper stated didn't we a long time ago discuss the subject of doing background checks for a Youth Director. Supervisor Thomas stated yes he believes we did and believes we probably should pursue that.

118-13. A resolution was made by Supervisor Thomas seconded by Councilman John Thomas to advertise for Youth Director. Pay wage is \$10.50 an hour, 20 hours a week. Applicants will require having a background check. Letter of interest will be accepted until Tuesday October 15, 2013. Roll call vote, all in favor.

119-13. A resolution was made by Supervisor Thomas seconded by Councilwoman Ryan Authorizing Town Justice Warren F. Law to apply for the Justice Court Assistance Program Grant asking the maximum amount of \$30,000.00 and authorize the Supervisor to sign the Justice Court Grant Application. Roll call vote, all in favor.

120-13. A resolution was made by Supervisor Thomas seconded by Councilwoman Ryan Stony Creek Volunteer Fire Company resolution of the Town Board of the Town of Stony Creek In the matter of adding an optional form of payment to the Stony Creek Volunteer Fire Company Service Award Program

Whereas, the Town Board of the Town of Stony Creek (i.e., "Board") is the sponsor of the Stony Creek Volunteer Fire Company Service Award Program (i.e., "program"), which became effective January 1, 1990; and, Whereas; New York State General Municipal Law, Article 11-A, §217 (h) states, in summary, that a service award program may designate that benefits can be paid in different actuarial equivalent forms; and,

Whereas, currently, monthly payments made from the program to entitles participants are guaranteed to be made for one hundred twenty (120) months from the date that such benefits become payable; and Whereas, in the event a participant dies before receiving all one hundred twenty (120) guaranteed monthly payments, the designated beneficiary will continue to receive the remaining portion of such guaranteed monthly payments; and, whereas, if payment is made to an estate upon the participant's death, it is an administrative burden to the estate to collect monthly payments, and thereby necessitate keeping the estate account open for a prolonged period of time; and, whereas, Penflex, Inc., the firm retained by the Board to provide actuarial, administrative and consulting services for the Program, is recommending that the Board allow beneficiaries of deceased monthly payees to elect to receive a one time actuarial equivalent lump sum instead of receiving the monthly payments; and whereas, Penflex, Inc. states that allowing such an option will not increase the cost of the program and will actually make the program easier to administer and therefore potentially reduce the cost of the Program, if this option is selected by a beneficiary; Now therefore, be it resolved that , the administrative procedures of the Stony Creek Volunteer Fire Company Service Award Program shall be changed effective immediately to allow any beneficiary of a deceased monthly payee to elect to be paid a one-time actuarially equivalent lump sum instead of being paid the remaining portion of the one hundred twenty (120) guaranteed monthly payments and such lump sum will be calculated using the same interest rate used to calculate the annual required contribution due during the year of death.

Roll call vote, all in favor.

121-13. A resolution was made by Councilman Nathan Thomas seconded by Councilman Gill Authorizing the supervisor to sign the Agreement between the Town of Stony Creek and the Adirondack Government Review Board:

**This Agreement** made September 20<sup>th</sup>, 2013 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.

The Resolution in support of the Towns of Indian Lake, Long lake, Newcomb, Minerva and North Hudson concerning their plan for economic success.

Supervisor Thomas reported this is relationship to the land sold by the Nature Conservancy to the State of New York that use to be Finch Pyrun land and what's its going to be classified as far as Wilderness or Wild Forest, which makes a big difference in what use is allowed on the land. If its Wilderness then its basically anything with a motor, this will be barred. Attorney Cooper stated or bicycles, Councilman Nathan Thomas stated anything with wheels.

Attorney Cooper stated he has been involved in Environmental Organizations over the course of his career and he still gets the magazine from Adirondack Mountain Club. They were boosting on the fact of ratio of letters for people supporting Wilderness to the Wild Forest. It was like 100 to 1 because most folks here don't, living in the park, aren't advocate with themselves for the most part or something abstract like that. So you really have to enact a resolution like this to even hope to balance out the input the agency is getting from the other side. He happened to think of something else, they are considering apparently gradations of like five options there. If you had Wilderness on one end and Wild Forest on the other they are considering wild forest with sub categories A, B, & C like seasonally, allowing float planes or snowmobile something like that or not completely open wild forest use in the since the roads could be used anytime. That's probably where they will go with this and he's cynical about these things because in his experience the State always does the alternate in the States best interest and cheapest for them to do. So they look at things like, are we going to have to maintain bridges?

How are we going to get trash and litter out of there if they classify it Wilderness?  
There is no way they're going to get the trash and litter out of there without some Ranger packing it out because they can't declare the right administratively, like one week in the year to drive in there and load up the dump truck with garbage. That's going to come less with backpacks because backpackers don't like to carry the weight. They're not neater than the snowmobiles. If they have to carry can food its just more weight for them and they're most likely to leave the cans behind than the guy that has a six-pack in the back of his snowmobile. So if its one of these gradations which he thinks is going to be, there is going to be a lot of litter in there and they are going to need to get it there and clean it out. So that maybe a suggestions to make to Fred Monroe to make an argument, that they need some agreement about Wild Forest classification just so the State can administratively manage the property. Supervisor Thomas stated his feeling is for these towns and all towns, Wild Forest is the minimum. Who are they protecting it for some elite group? He thought this land belonged to everybody in the State, he thought that's the purpose of it. Not everybody is a backpacker or paddler. So who exactly are they protecting this property for? It sure isn't for the person that can't walk 30 miles. So he thinks Wild Forest is the minimum. For the future economics of these towns you only have to drive up there and see they are dying. You don't have to be a rocket scientist to see what they're doing. We are fortunate that we live within driving distance of the Blue Line. So we can work and find jobs but you get another hour north, that's not an option, there are no jobs only backpackers and naturalist and tree huggers. So he would be no more than happy to introduce this resolution.

122-13. A resolution was made by Supervisor Thomas seconded by Councilman Nathan Thomas  
A RESOLUTION IN SUPPORT OF THE TOWNS OF INDIAN LAKE, LONG, LAKE,  
NEWCOMB, MINERVA AND NORTH HUDSON CONCERNING THEIR PLAN FOR  
ECONOMIC SUCCESS

**WHEREAS**, we are in receipt of a letter from the Five TNC (The Nature Conservancy) Towns (The Upper Hudson Recreation Hub/Indian Lake, Long Lake, Newcomb, Minerva and North Hudson) expressing concerns over the current Adirondack Park Agency process; and

**WHEREAS**, we deem the "classification" of the newly acquired TNC lands and the subsequent management of same, as critically important to the future of the Five Towns and the entire Adirondack Park; and

**WHEREAS**, we conclude that for all of us to say, "It is a new day in the Adirondack Park", it means we **ALL** have to do business differently; and

**WHEREAS**, the sense that the Adirondack Park Agency, may be poised to, "do business as usual", is of grave concern; and

**WHEREAS**, staff references to things like the Snowmobile Guidance Document, as an alleged barrier to recreation, are at a minimum disheartening; and

**WHEREAS**, these observations only reinforce the message which was previously sent by the Adirondack Park Agency, when they failed to offer a broader range of options for public consideration during the recent Classification process, specifically the sad reality that no option considered a campsite, or any significant Intensive Use Area; and

**WHEREAS**, based on this pattern of disturbing facts, we find it critical weigh in.

**NOW THEREFORE, BE IT RESOLVED** that the **STONY CREEK TOWN BOARD** hereby asserts that the desires and the direction of the Upper Hudson Recreation Hub (Indian Lake, Long Lake, Newcomb, Minerva and North Hudson) are absolutely consistent with:

- 1 The Common Ground Alliance stated vision for a more sustainable/usable park.
2. The Rec Strategies work asserting the need for more recreational opportunities (The Upper Hudson Recreational Hub was actually showcased as a pilot area).
3. The Adirondack Futures vision for a more usable Park.
4. The highly touted success story involving Moose River Plains Partnership.
5. The Governor's stated vision for these lands.
6. Commissioner Marten's stated vision for these lands; and

**BE IT FURTHER RESOLVED**, that it is critically important that the Adirondack Park Agency recognize the physical and logical reasons to classify these lands as Wild Forest:

1. There is an existing network of roads sufficient to support higher levels of use.
2. There are existing bridges, demonstrating these lands are NOT Wilderness Classification.
3. Rights will remain on these lands for motorized use (authorized through 2018 for lease holders and 2019 for TNC), which is absolutely inconsistent with a Wilderness Classification; and

**ALSO BE IT FURTHER RESOLVED**, that the use of an *Intensive Use Corridor*, similar to the successful example demonstrated in the Moose River Plains, is hereby encouraged. This is to allow roadside camping and greater densities of camping, both of which are designed to entice use away from more environmentally sensitive area. Plus an *Intensive Use Corridor* will open up the opportunity for a groomed cross-country ski trail connection between all of the participating towns; and

**BE IT ALSO RESOLVED**, the **TOWN BOARD OF THE TOWN OF STONY CREEK** hereby goes on record, with the strongest level of support possible, for the Governor's vision that these lands provide recreational opportunities for all recreational users, which is basically captured in the plan set forth by the Upper Hudson Recreation Hub (The Five Towns); and **BE IT FURTHER RESOLVED**, that copies of this Resolution be forwarded to Governor Cuomo, Senator Farley, Senator Little, Assemblyman Butler, Assemblyman Stec, NYSDEC Commissioner Martens, APA Chairwoman Ulrich, Hamilton County Board of Supervisors and Essex County Board of Supervisors. Roll call vote, all in favor.

#### Dean Farm Trails

Attorney Cooper would like to discuss the issue he brought up with Supervisor Thomas. He spotted in the Adirondack Journal and then an article was in the Post Star thereafter about one of the unforeseen consequences of the so-called Safe Act that Governor Cuomo ran through. It was potential for being arrested for carrying a firearm on property that belonged to a college or university and these articles said through whatever review process gone underway, that it meant no one was going to be able to carry a firearm in Pack Forest or ESF Property in Newcomb. He believes it's not a casual thing if you get caught carrying a firearm on one of these properties owned by a college or university it's a Class E Felony. It's serious matter. It was clearly an oversight, although the Statutes accept forestland, but it also includes lands used for education purposes. So he thinks that's how Pack Forest got drawn into it.

Attorney Cooper contacted Bob Quinn who is the ESF guy that the town has been dealing with for the Dean Farm Property some of that is sort of forest and gets hunted he's sure.

Mr. Quinn said it wasn't a problem for the town because the Dean Farm is owned by a Foundation and not by Syracuse University. So it looks like we get by on that but he also mentioned a couple issues he wants to talk over with the Supervisor.

There has been a complaint about the nearby owners complaining about hunting in their vicinity. They got a compliant from somebody that embraced on the property and were told to leave because this other person said they had exclusive hunting rights. Then another person contacted him and asked if they would consider renting the forestry section to a hunting club, which they are considering this. They need money and that's one way to get money and he wanted to talk to the Supervisor. Attorney Cooper suggested he come over and look at the work that has been done on the Dean Farm Trails and kind of kill two birds with one stone. Attorney Cooper wanted to report this to the Board and if your constituents asked you about that you can say the best opinion is from the Town Attorney and indications are that the Safe Act doesn't apply to hunting on the Dean Farm Forest. Mr. Quinn also indicated that they haven't posted it and always welcomed hunting.

Four Corners Park Area; Fire Hydrant:

Councilman John Thomas stated they have the fire hydrant back in to where it use to be. They are having an issue with people parking in front of it. He knows they use to have something on the books that designated that as a, he knows there is a sign up there, he doesn't know if the county put that up. He would like whatever they have to do to put the sign back and some marking tape on the ground marking it out. He would like whatever is needed to get that done. The hydrant they have been trying to get since February across from the firehouse, they are still working on the paperwork and there might be an issue on that as far as the septic at the library. The leach field might run out that way that's why they put the one on the four-corners back in. He didn't want to wait until wintertime to do it. At this point he doesn't see the other one anytime in the near future.

Supervisor Thomas stated the one at the Rec. field needs to be altered, needs to be lowered?

Councilman John Thomas stated he talked to Dean from Soil and Water and he told him they were suppose to come do some work there this summer and they were going to correct it. The way the spillway rolls in it fills the pipe right full. If they don't have water to flush it out they have to get in there and clean it out. It's also not useable in the wintertime. This was the next best option.

Supervisor Thomas stated they will get signs up at the four-corners and that it seems to have become a parking lot.

Councilman John Thomas stated he has tried all the other options as far as hydrant somewhere else but that's nothing working out.

Supervisor Thomas asked if this would swing up. Councilman John Thomas stated yes, that will swing up the same as the old one, we just have a better holder for it and it's little bit longer.

Budget Transfers; Highway Fund:

Supervisor Thomas reported the following:

Monies were received from FEMA through the NYS Office of the Federal Emergency Services, in the amount of \$31,000.00. This is in relation to the large project.

The New York State Legislature authorized 26% increase in the CHIP's money for the Town of Stony Creek in the amount of \$20,322.35.

Supervisor Thomas stated he wants to bring that online to budget Anticipated Revenue to help pay for the paving cost and the FEMA money will be put into Snow Removal Personal Services and pay for the General Repairs.

123-13. A resolution was made by Councilwoman Ryan seconded by Councilman Gill authorizing the following budget transfers:

Debit Revenue DA3501 CHIPS in the amount of \$20,322.35.

Debit Revenue DA4960 FEMA in the amount of \$12,976.32.

Credit DA5112.2 Permanent Improvements Capital Outlay in the amount of \$20,322.35

Credit DA5110.4 General Repairs in the amount of \$976.32

Credit DA5142.1 Snow Removal Personal Services in the amount of \$12,000.00.

Roll call vote, all in favor.

Budget transfer; General Fund:

Supervisor Thomas reported the following:

The town received money from Warren County in the amount of \$21,731.69 through the State 50/50 Grant. The County will front the money and seek reimbursement from the State.

124-13. A resolution was made by Councilman Gill seconded by Councilwoman Ryan authorizing the following budget transfer:

Debit Revenue A3897 State Aid Culture and Rec. Capital Project in the amount of \$21,731.69.

Credit A7180.1 Special Recreation Personal Services in the amount of \$12,674.35.

Credit A7180.4 Special Recreation Contractual in the amount of \$9057.34.

Discussion: Supervisor Thomas stated this pays for the materials and labor this year and have about \$15,000.00 left. This was reimbursement for 2012 match incoming and expenses they paid. We still have match things for this year hopefully another \$4-5,000.00.

Roll call vote, all in favor.

125-13. A resolution was made by Councilwoman Ryan seconded by Councilman Nathan Thomas authorizing the following budget transfer:

Debit Fund Balance in the amount of \$590.36

Credit SF3410.8 Fire Protection Benefits in the amount of \$590.36.

Roll call vote, all in favor.

Supervisor Thomas reported the following:

The Flu Clinic will be held at the town hall Thursday October 24, 2013 from 9:15 am to 10:00am.

HEAP will be held at the town hall Monday November 25, 2013 from 11:00am to 12:00 pm.

The 2014 Tentative Town Budget meeting will be held Wednesday October 2, 2013 at 6:30 PM.

From the floor:

Kevin Page stated he and his wife purchased the Old Grist Mill on Harrisburg Road in April of this year. He would like to thank everybody; they have been commendable in welcoming them to the area. He has been familiar with it for years. He does have a couple questions.

1) Assessors and assessments: The property has been vacant and run down so many years the total of 14 years. It's assessed at \$99,000.00 there is a 2800 foot square building on it, only 900 square foot is habitable right now. We put in an offer of \$40,000.00 land and apartment for seasonal use. Phil Warner accepted \$55,000.00. Mr. Page wanted to know where and when they would be able to go and speak to the Assessor about having it recouped. He doesn't mind every two years or something and they are going to be working on it and building it up to where it could be a full year round home. Mr. Page asked when he could contact him. Supervisor Thomas stated that two of the Assessors are setting here tonight. Peter LaGrasse made arrangements to meet with him.

2) Building permits: Mr. Page stated they are doing this in stages, it's his third property he knows building permits are per year and asked if they do them here at the town hall.

Supervisor Thomas stated you come to the town hall and get the Compliance form and Permit application packet. The Zoning Compliance form does ask if an APA Permit is required, that is not for the town to say. The Town has no zoning. It's a matter of signing the form, filling out the application and workers compensation part of it and then you take that over to Warren County Building Code Department located in the Human Service Building, third floor. They will review your plans, charge you a fee and they do the inspections. There is no fee to the town. The County will charge a fee depending on what the project is and if you have to renew it there is a lesser fee.

3) Old Murray Road.

Mr. Brower told Mr. Page that this has been abandoned since the 1950's. Mrs. LaGrasse stated that's a lie. Supervisor Thomas stated it hasn't been since the 50's. Mrs. LaGrasse stated the bridge went out in 1977. Mr. Page stated now Slim's (Mott Waddell's) House has been sold to Jerry and with the bridge out we've been seeing a lot of traffic. It's no big deal because he isn't there to enjoy it. We own the property right next to Harrisburg Road; there is a sliver in there and then down to the creek. It came up that it's actually town road but a county bridge back in there. He asked if there was anything that the town uses it for or the county uses it for now or is there a possibility down the road of Abandonment of Easement to still keep it opened. They have been mowing it and keeping it in use but their dog got glass in her foot, kids have been down their partying and stuff.

Supervisor Thomas stated the town doesn't use it that he is aware of and sure they travel some in there once in a while. Mr. Page stated he knows locals go fishing and that's great but if we did an Abandonment of Easement on the road they would take it on as part of their tax map and

gladly pay for that and do the maintenance on it and still keep it open. He doesn't plan on getting it or anything just trying to make a dead end less traveled.

Supervisor Thomas stated it would be something for the Board to consider. Carol LaGrasse stated that's the County Hearing. Supervisor Thomas stated yes, if we decide to abandon it. If the Town takes a formal abandonment procedure he's not sure the ends and outs but it ends up at the County and the County has to have a Public hearing. Its only been done once that he is aware of, a few years ago.

Attorney Cooper stated a lot of the old roads in town have been abandon by operation of law without the formalities and that has been controversial, there have been disagreement with if the procedure was properly applied by the town. But you can understand the town has no appetite to plow roads and maintain them that nobody uses. Mr. Page stated right and it still shows up on the road map as 117C. GPS shows you can still go down Murray Road and come out at the other end.

Councilman John Thomas stated we still get CHIPS money. Supervisor Thomas stated he wouldn't be surprised. Mr. Page stated that's another thing he spoke to someone about, there was CHIPS money available and if everyone was against it then just to keep it maintained. His wife and himself are hoping for that.

A motion was made by Councilman Gill seconded by Councilwoman Ryan to adjourn the meeting at 8:24 PM. All in favor. Motion carried.

Respectfully submitted,

Susan Harrington  
Town Clerk