

February 27, 2018

The regular Town Board meeting of the Town of Stony Creek was held on February 27, 2018. Supervisor Frank Thomas called the meeting to order at 7:00 PM with members present:

Councilman Nathan Thomas

Councilwoman Doreen Ryan

Councilman John Thomas

Counsel to the Town: Mary-Ellen Stockwell

January 16, 2018 minutes:

A motion was made by Councilwoman Ryan seconded by Councilman Nathan Thomas to accept the January 16, 2018 minutes. All in favor, motion carried.

053-18. A resolution was made by Councilman Nathan Thomas seconded by Councilman John Thomas to pay the General 2017 December Final bills in the amount of \$116.93. Roll call vote, all in favor.

054-18. A resolution was made by Councilman John Thomas seconded by Councilwoman Ryan to pay the Highway 2017 December Final bills in the amount of \$489.54. Roll call vote, all in favor.

055-18. A resolution was made by Councilman Ryan seconded by Councilman Nathan Thomas to pay the General Fund bills in the amount of \$15,178.19. Roll call vote, all in favor.

056-18. A resolution was made by Councilwoman Ryan seconded by Councilman John Thomas to pay the Highway Fund bills in the amount of \$185,932.55.

Discussion: Supervisor Thomas reported this includes the payment for the truck of \$127,464.00, salt \$27,894.18 and fuel \$11,801.21. Roll call vote, all in favor.

057-18. A resolution was made by Councilman Nathan Thomas seconded by Councilwoman Ryan to pay the Fire Fund bill in the amount of \$930.65. Roll call vote, Councilman John Thomas (Member of the fire co.)-Yes, Councilman Nathan Thomas (Member of the fire co.)-Yes, Councilwoman Ryan (Member of the fire co.)-Yes, Supervisor Thomas-Yes.

Town Clerk report:

Conservation license	\$ 0.72
Certified Death copy	\$ 20.00
Certified Marriage copy	\$ 10.00
Fax	\$ 6.00
Marriage license	\$ 17.50
Copies	<u>\$ 0.75</u>
Total Town Clerk fees	\$ 54.97
Dog licenses	<u>\$ 85.00</u>

Total Town Revenues to Supervisor	\$139.97
NYS Ag & Markets	\$ 17.00
NYS Dept. of Health	\$ 22.50
NYS Dept. of EnCon	<u>\$ 64.28</u>
Total disbursed	\$243.75

Correspondence:

Ronda Thomas-permission to use the town hall March 9, 2018 from 5-9 PM for a party.

Sue Brooks-Permission to use the town pavilion July 14, 2018 from 12-9 PM for a Graduation Party.

Stony Creek Free Library- permission to use the town hall May 12, 2018 from 9AM-6PM for a Natural Dye Workshop.

Supt. Bradley-Posting of roads for weight limit.

Dominick Bussiculo- submitting a letter of interest for the vacancy on the Town Board.

Wayland J. Baker-submitting a letter of interest for the vacancy on the Town Board.

A motion was made by Councilwoman Ryan seconded by Councilman John Thomas authorizing the following:

Ronda Thomas permission to use the town hall March 9, 2018 from 5-9 PM for a party.

Sue Brooks Permission to use the town pavilion July 14, 2018 from 12-9 PM for a Graduation Party.

Stony Creek Free Library permission to use the town hall May 12, 2018 from 9AM-6PM for a Natural Dye Workshop. All in favor, motion carried.

058-18. A resolution was made by Councilman Nathan Thomas seconded by Councilwoman Ryan authorizing the Superintendent of Highways to post the town roads at his discretion as in the past. Roll call vote, all in favor.

Old business:

Town Board Vacancy:

Two letters of interest was received: Dominick Bussiculo and Wayland J. Baker.

Supervisor Thomas stated we can choose one of them and whoever we chose will have to run in the election this November. Supervisor Thomas asked if they wanted to leave it vacant.

Councilman Nathan Thomas stated he thinks we need to fill it.

059-18 A resolution was made by Councilman Nathan Thomas seconded by Councilwoman Ryan to appoint Wayland J. Baker as the Town Board member (to fill the vacancy).

His term will expire December 31, 2018. Roll call vote, all in favor.

Investment and Procurement policies:

Supervisor Thomas stated we are required each year to look at them and review them and change them if we see fit and update them. The Town Board did receive them last month to look over to see if they wanted to alter or make changes. Supervisor Thomas asked if there was any recommendations from the attorney.

Attorney Mary-Ellen stated she did look at both of them. Obviously a lot of them relate and revolve around policy decisions. She didn't see anything glaringly out there. Looking at the General Municipal Law 10S and there is also Local Government Measurement Guide for Procurement Policies from the Comptroller's Office. She can make some suggestions and some language changes but most of them are technicality. The overall policy she thinks is really up to the Board with how they see fit specifically. The requirements that you placed on purchases vs. how other municipalities do it. She has looked at several and have seen several from different municipalities and everyone has done it differently. She thinks what works for you, you're under the threshold. When you're looking at the chart on page 2 of the Procurement Policy. We are not talking about thresholds that require, which has several other requirements already put forth by the law, but these are policy decisions that seem to be working for the town and she knows that auditing occurs. As long as those are ok with how you have been working she doesn't see anything majorly glaring. She would say that if you're going to adopt them tonight she can make some suggestions by reviewing the overall format of the document for next year. There is additional language on the Investment Policy she would like to suggest regarding cabling of funds in protective language, unless it's something you want to hold off and she can do it for next month. You can modify them at any time. She can make the language changes for next month or you can move forward tonight and always modify them later.

Supervisor Thomas stated we can adopt the Procurement. The Investment we don't have anything invested anyways. Attorney Mary-Ellen stated there is some protective language and some questions regarding wiring transfers. She doesn't know if Supervisor Thomas does anything like that or any online banking or if it's all done by book. Supervisor Thomas stated yes we do some online. Attorney Mary-Ellen has some suggestions for changes in the policy so if you want to do the Procurement Policy she can make some suggestions for the Investment Policy.

060-18. A resolution was made by Supervisor Thomas seconded by Councilman Nathan Thomas to adopt the Procurement Policy with no corrections or additions. Roll call vote, all in favor.

The Investment Policy will be tabled until next month.

Stony Creek Fire Co. Length of Service Program:

Supervisor Thomas stated that there's not much too do. The Board has to sign the blue sheet. Ashley Black told him that this has already been posted.

New Tandem Truck Loan approval:

Attorney Mary-Ellen stated she has talked with the State Comptroller's Office today. They indicated to her that with what she has presented and what they have submitted seems to be everything they need and she is waiting for final approval.

Attorney Mary-Ellen stated she has indicated on several occasions that she wants that to be expedited and there is a specific attorney that is handling the file.

She followed up with another letter today in writing and over the phone. According to him they have everything they need and hopefully he doesn't come back for anything more. If she hears something prior to next month's meeting and there is a desire for the Board to meet interim she will let Supervisor Thomas know as soon as she hears from them. Supervisor Thomas stated yes because Viking is going to want to get paid at some point. Supt. Bradley stated the body part is being installed now and that will be a couple weeks. Attorney Mary-Ellen stated according today she should hear back from him in a week or two and she will follow up in a week.

Committee Reports:

Councilwoman Ryan stated that Councilman John Thomas and herself attended the Association of Towns and reported on the classes they attended. Some of the things she felt didn't pertain to the town. She still got information on the things. New playground equipment coming available, different material and it's safer, insurance decisions, there was talk on Shared Services but the instructor didn't talk about the shared services. There were a lot of good speakers. There was a grant writer and that was spilt up before they got in discussion of it, it was moved to a highway class. She did bring a lot of pamphlets home.

Broadband:

Supervisor Thomas gave the Town Board members a Map of the Broadband Program that the Governor started two or three years ago. He received this yesterday and if you look at Stony Creek it shows what Frontier was awarded in the area and they go by census blocks. So you see in the blue that there award, which he thinks was \$600,000.00 from the State and another \$150,000.00 or so from Frontier. With this third round that they just awarded in Saranac Lake a week or so ago, a company by the name of Slick Network Solutions they have a network up near Plattsburgh and they are coming to Warren County and you can see by the green that they are going to cover pretty much the remaining part of the town. He has received a little info, it's like pulling teeth to try and find out what they intend to do.

Warren County bid for electronics.

Supervisor Thomas stated the bids that Warren County did for all the towns in the county, the electronics bid was put out to bid again. The company that was awarded the bid, their demands didn't match up with how the towns in the county operate. They put it out to bid and he thinks the bids were opened today but he isn't sure.

Landfill well testing:

Cedarwood Engineering has completed the annual groundwater report for the landfill and this has been forwarded on to DEC. Councilman John Thomas asked if there were issues. Supervisor Thomas stated he didn't think so. A couple of the wells are cloudy, a lot of turbidulich, he doesn't know what that means.

Fiscal:

Supervisor Thomas reported the AUD, the accounting of the town's finances for 2017 has been completed and uploaded to the Comptroller's Office.

Highway ceiling:

Hill electric called and the eight fans for the highways garage are in and will be picked up tomorrow.

Shared Service:

Supervisor Thomas reported the county has been mandated basically by the Governor and the Legislature to come up with a Shared Service Plan that will save money. They had a meeting last Friday. They are throwing all kinds of ideas from County-Wide Assessing, County-Wide Tax Collections, there were a lot of different things. Supervisor Thomas did remind them that they are a small town, a lot of these things may work for their town, one size doesn't fit all. We may not participate in some of the Shared Services.

Meals on Wheels are looking for volunteers to deliver meals. They do pay mileage, he doesn't know if its IRS rate or lower than that.

There are three vacancies on the Board of Assessment Review. Grievance Day is in May and we need to get a couple more people on the board. It's training and about 4-5 hours around the end of May and the town pays \$13.00 an hour.

New business:

Supervisor Thomas reported he signed an agreement with the county without the board permission. It's for Local Tourism Promotion and Prevention Development Amended Agreement. Basically it's to do with the Occupancy Tax. For the last couple years they provided \$45,000.00 instead of \$30,000.00 and he didn't think there would be any objection to him signing this. They have received the money an additional \$15,000.00. So he would ask for a resolution redefying.

061-18. A resolution was made by Councilman John Thomas seconded by Councilwoman Ryan authorizing the Supervisor to sign the Local Tourism Promotion and Prevention Development Amended Agreement for the additional \$15,000.00 Occupancy Tax funds. Roll call vote, all in favor.

State Land; NYS PILOT Program:

Supervisor Thomas stated there is an issue with the State Land and the Governor's proposed PILOT Program. Within the Governor's Budget there was a proposal to take the 2017 assessments on State Property and hold them at 2017 and then cap it off and then raise it each year with a program payment in lieu of taxes instead of assessing the property and it would be capped at 2% or the allowable levy growth whichever is lower. Basically they are going to take the 2% tax cap and whatever that factor is that's what they will decide what we get for assessment on our State Property in town. As you can imagine most everyone in the Adirondacks is opposed to this. He drafted a resolution in opposition to it. If the board so chooses we can forward this on to Governor Cuomo, Senator Little, Assemblyman Stec. Hopefully this will be removed from the State Budget. Councilman John Thomas stated it was also run through the Association of Towns in opposition of it. They estimated generally you're not going to be 2% it's like 1.6% somewhere in that range. The property value goes up especially a lot of areas that have water front and that sort of thing. They will fall way behind. Supervisor Thomas stated he thinks the biggest thing is we lose control and his opinion that's the first step of not paying any tax. The next time they have a tough budget they will go, well we don't have to pay the taxes. He has heard comments from Assemblyman Stec and he doesn't believe it will remain in the budget. The Budget Director of the State is saying that the reason they are doing this is because it takes too much manpower to review the assessment of all the property in the Adirondacks and Catskill and that's where they were looking for savings.

062-18. A resolution was made by Councilman Nathan Thomas seconded by Supervisor Thomas Resolution in opposition to the Governor's proposal to convert state land tax payments on forest preserve from the current system of locally assessed property taxes to a payment in lieu of taxes (PILOT) starting with 2017 assessments and capped at 2% per year or the allowable levy growth factor, whichever is lower.

Whereas, state payment of taxes on the 52% of the Town of Stony Creek that is forest preserve is critically important to the well-being and survival of our community and school system, and
Whereas, the PILOT program would be centrally controlled by the state, and based upon a formula, rather than the assessed value of forest preserve land as determined by our local assessors, and

Whereas, the most economically beneficial use of State Forest Preserve Lands is prohibited by the New York State Constitution "Forever Wild" clause, and

Whereas, the tax burden will be shifted to private lands within our town that are already under enough stress with the State's 2% Tax Cap Statute and the excessive regulation imposed by the State of New York,

Now, Therefore Be it Resolved, by the Town Board of the Town of Stony Creek that the assessment of taxable State-Owned Land should remain under the control of our local assessor's and are opposed to this proposed PILOT program, and

Be It Further Resolved, copies of this resolution be sent to Governor Andrew Cuomo, Senator Elizabeth Little, Assemblyman Dan Stec and the Adirondack Association of Towns and Villages.
Roll call vote, all in favor.

State Land; Forest Tax Law:

Supervisor Thomas reported there is a proposal to change the 488 Forest Tax Law to 480B. They are going to reduce the amount of acreage from 50 acres down to 25 to where you can participate in the program and get exemptions on your taxes. He thinks their goal is to help preserve more of the forest and maybe control a little bit more private property. He didn't put together any resolution opposing this but he doesn't know if he is in favor of it. It would be for anyone that has 25 acres of forest. You would have to manage it in a sustainable manor as directed by the State Department of Environmental Conservation. It says that Senator Little does support this. He gets a little concerned when we keep adding exemptions to the tax roll. It pushes the cost up to us. Councilman John Thomas agreed that it's not a good idea.

Cedarwood Engineering Agreement

063-18. A resolution was made by Supervisor Thomas seconded by Councilman John Thomas to renew and enter into an agreement with Cedarwood Engineer Services for the year 2018. Roll call vote, all in favor.

NYMIR:

Supervisor Thomas stated that last December he had a visit by Henry Vanderheber, he is a Senior Risk Control Specialist from NYMIR. The Town Board has copies of this to look over. He went over various things at the town here and made quite a few recommendations. Things that the insurance company would like to see the town do to reduce their risk. One is to pass a local law to do with prior written notices on the highways. Notice of highway defects. This changes, supersedes or makes more stringent of section 65A in the Town Law. Basically the town wouldn't be liable for any defect unless there is written notification prior and nothing was done about it. This was one of the suggestions, to pass this local law. Fire alarm system for the highway garage. Some enhancements scaffold log where we hire contractors to make sure we get an insurance certificate, hold harmless and indemnification for the town background checks for any employees that has to do with youth. Update the town Harassment and Discrimination Policies. He found some deficiencies at the town park playground. Update Workplace Violence Policy. Enter into the DMV License Program, which checks all the employee drivers' licenses each year to make sure there hasn't been any problems. Supervisor Thomas stated he thought he would start with the prior written notice and go from there.

Councilman John Thomas stated the deficiencies at the playground, is it the equipment?

Supervisor Thomas stated some of it was the woodchips, the wooden swing set, he didn't care for that. The small spring toys, the handles need to be curved. The height of the horse. He suggested 12 inches of woodchips. Signage that he would like placed there. Part of it is that no one over 12 years of age, He wants 12 and under and he sent an example of the sign. He also is make suggestion for use of the town hall and the pavilion, change the form to have a hold harmless clause. These would reduce their risk. Supervisor Thomas asked that the Town Board review this and if you want to move forward with it we can introduce it next month and we'll have a public hearing.

Occupancy Bed Tax request:

Supervisor Thomas stated we have an occupancy Tax request from the Stony Creek Ranch.

Supt. Bradley asked if they heard about the deck. Councilwoman Ryan stated that's what this is for and we have blueprints. Supervisor Thomas stated they didn't get a permit and they were told to take it down and start over again. Supt. Bradley stated the train hit it too right?

Councilman John Thomas stated the train hit one of the poles. Supervisor Thomas stated they are requesting \$60,000.00 plus. The town only gets about \$45,000.00 and that's only because the county added an additional \$15,000.00 to the \$30,000.00. Councilman John Thomas asked if the deck is on county property. Supervisor Thomas stated yes it is. Councilman John Thomas asked who it actually belongs to. He would think that a private individual couldn't put anything on county property without some kind of contract or when it's built it belongs to the county. He doesn't know how the county worked it but it would have made sense to do it that way.

Supervisor Thomas stated when they started out they were going to build like a gravel ramp platform, pave it and etc. and they ran out of time. Then they went ahead and started building this and the Building Code Enforcement person came over and made them tear it down because they hadn't dug any holes to put the post in the ground they set them on the ground. They tore the whole thing down and he saw they were drilling holes and got their permit obviously and put up what they got there. It never came back before the county board as to this wooden platform, so he would have to say that DPW, probably Mr. Tennyson must have signed off on it. Supt. Bradley asked what the purpose of the deck was. Supervisor Thomas stated that was for their "Train to Christmas Town". Councilman John Thomas stated they have 270 feet built and they want to add another 430 feet, that's 700 feet of deck that's going to be on the county property. He would think the county would be checking into this to see what the end results going to be, whose liability it's going to be. Supervisor Thomas agreed and stated who approved it.

Councilman Nathan Thomas suggested they send this to the county as additional funds for bed tax funds. Supervisor Thomas stated they can do that if they want by the county won't do it.

Councilman Nathan Thomas stated we don't have \$60,000.00. Councilman John Thomas stated to him this is way beyond the town's capability to provide that especially since we don't know who is going to end up with ownership when it's done. Supervisor Thomas stated they should probably asked for money for promotion for their "Train to Christmas Town", like advertising and things like that. Councilman John Thomas agreed and stated it would be more reasonable. Supervisor Thomas stated that Scott told him he gave a proposal to Councilwoman Ryan but he hadn't seen it until tonight. Supervisor Thomas stated his opinion is we should table this and he will call Scott and tell him what the town can afford. Councilman John Thomas stated they might be able to get something from Warren County. He would think from the liability standpoint that the county would want to know what's happening. Supervisor Thomas stated he thinks in the first instance the liability would be with the train but it would come back to the county too. Councilman John Thomas stated the train company didn't build the deck so you put 5,000 people on the deck and it collapses. Supervisor Thomas agreed.

Budget Transfers:

064-18. A resolution was made by Councilwoman Ryan seconded by Councilman John Thomas authorizing the following budget transfer:

Debit A1990.4 Contingency in the amount of \$1838.86.

Credit A1010.4 Town Board Contractual in the amount of \$1838.86. Roll call vote, all in favor.

065-18. A resolution was made by Councilman Nathan Thomas seconded by Councilwoman Ryan authorizing the following budget transfer:

Debit A1620.4 Building Contractual in the amount of \$2500.00.

Credit A1620.4.6 13 Lanfear Road Building in the amount of \$2500.00. Roll call vote, all in favor.

066-18. A resolution was made by Councilwoman Ryan seconded by Councilman Nathan Thomas authorizing the following budget transfer:

Debit Fund Balance in the amount of \$5000.00.

Credit A66989.4.44 Other Economic & Development/Creek Center in the amount of \$5000.00. Roll call vote, all in favor.

067-18. A resolution was made by Councilman Nathan Thomas seconded by Councilman John Thomas authorizing the following budget transfer:

Debit Fund Balance in the amount of \$92,464.00.

Credit DA5130.2 Machinery equipment in the amount of \$92,464.00. Roll call vote, all in favor.

From the floor:

A motion was made by Councilman Nathan Thomas seconded by Councilman John Thomas to adjourn the meeting at 7:57 PM. All in favor, motion carried.

Respectfully submitted,

Susan Harrington
Town Clerk