

January 17, 2017 Regular Meeting

The regular Town Board meeting of the Town of Stony Creek was held on January 17, 2017.

Supervisor Frank Thomas called the meeting to order at 7:00 PM with members present:

Councilman Nathan Thomas

Councilwoman Doreen Ryan

Councilman John Thomas

Councilman Carl Thomas

Absent: Counsel to the Town

December 20, 2016 minutes:

A motion was made by Councilman Nathan Thomas seconded by Councilwoman Ryan to accept the December 20, 2016 minutes. All in favor, motion carried.

January 3, 2017 minutes; correction:

Page 257 change it to, not read all of it.

A motion was made by Councilwoman Ryan seconded by Councilman Carl Thomas to accept the January 3, 2017 minutes with this correction. All in favor, motion carried.

033-17. A resolution was made by Councilman Nathan Thomas seconded by Councilwoman Ryan to pay the General Fund December Final bills in the amount of \$5,101.92. Roll call vote, all in favor.

034-17. A resolution was made by Councilman Carl Thomas seconded by Councilman Nathan Thomas to pay the Highway Fund December Final bills in the amount of \$26,183.80. Roll call vote, all in favor.

035-17. A resolution was made by Councilwoman Ryan seconded by Councilman Nathan Thomas to pay the 2017 General Fund bills in the amount of \$11,160.71. Roll call vote, all in favor.

036-17. A resolution was made by Councilwoman Ryan seconded by Councilman Carl Thomas to pay the 2017 Highway Fund bills in the amount of \$35,258.01.

Discussion: Supt. Bradley stated this is mostly because of the salt bill, which is \$19,440.30.

Supervisor Thomas stated the salt, fuel, which is \$5,102.24 and workers Comp, which is

\$7,420.00. Supt. Bradley stated we are about even with everyone using salt, we are good on it.

Roll call vote, all in favor.

037-17. A resolution was made by Councilman Carl Thomas seconded by Councilman Nathan Thomas to pay the 2017 Fire Fund bill in the amount of \$2,516.70. Roll call vote, Councilman Carl Thomas-Yes, 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. All in favor.

Town Clerk Report:	
3 Cemetery Lots	\$1200.00
Copies and Faxes	2.00
Fax	3.00
Photocopies	<u>.50</u>
Total Town Fees	\$1205.50
Dog licenses	<u>20.00</u>
Total Town Revenues to Supervisor	\$1225.50
NYS Agriculture and Markets	<u>4.00</u>
Total disbursed	\$1229.50

Correspondence:

Patrice Jarvis-Weber, Stony Creek Library- Permission to use the town hall on Saturday February 11th from 7AM-6 PM for a Packbasket Workshop, Saturday March 11th from 7AM to 6:30 PM for a Natural Dye Workshop, Saturday April 15th from 9AM to 5PM for a Clay Hand building Class.

A motion was made by Councilman Nathan Thomas seconded by Councilman John Thomas authorizing the Stony Creek Library to use the town hall on the following days:

Saturday February 11th from 7AM-6 PM for a Packbasket Workshop.

Saturday March 11th from 7AM to 6:30 PM for a Natural Dye Workshop.

Saturday April 15th from 9AM to 5PM for a Clay Hand building Class.

All in favor, motion carried.

Old Business:

Contracts for the Stony Creek Library. Historical and Fire co.

Supervisor Thomas stated at the Organizational Meeting the contracts that were present were different from what they have been in the past. We did introduce the past resolution to adopt them but with the caveat there were changes to be made, that could be made.

Stony Creek Free Library:

Supervisor Thomas asked if there was anything they wanted to amend or make different.

Councilman Carl Thomas stated except for the verbiage he didn't see anything different.

Supervisor Thomas agreed and stated except for the last eight sections which is a lot of legal things. This contract is the same for the Stony Creek Historical Association also.

Stony Creek Historical Association:

Councilman Nathan Thomas stated they called the question of it being non-for-profit. Attorney Mary-Ellen stated she couldn't find it listed under the Murray Road. He is sure it is under just a PO Box. Supervisor Thomas stated either that or it may be the Education Dept. and that he didn't check up on.

Stony Creek Fire Co.:

Supervisor Thomas stated he knows there were questions on the insurance. At least about numbers.

Councilman John Thomas stated he read through their policy and he still has to make contact with their insurance co. It says they have a combined three million dollar, but it's listed separately. It's not listed as a three million umbrella. There is two million on the building and equipment and the operation thereof and there is an extra one million for the ambulance. He isn't exactly sure what the other million covered, but it was more for a liability type. At this point it doesn't look like they have a three million umbrella coverage, separate umbrella. Councilman Carl Thomas asked if he thought that's required, is two million sufficient.

Councilman John Thomas stated the insurance man comes up and reviews it every year and makes suggestions so that was his last suggestion and it's looked at every year and doesn't think they would need more than that. Supervisor Thomas stated he would be comfortable with what they have whatever the numbers are. Councilman John Thomas stated he doesn't think they had the town listed as additional insured in the past. Supervisor Thomas stated it didn't look like they had. Councilman John Thomas stated he doesn't know what it would cost or what would be involved. Supervisor Thomas stated in his experience it's just a certificate that you ask your insurance co. to list the town as additional insurance. Councilman John Thomas stated what are they insuring, what does it cover? Councilman Nathan Thomas stated a lot of times in a lawsuit when they do event insurance, if for instance they use the town field. They get a policy that says I'm additionally insured to cover the use of the field.

Councilman John Thomas stated because you're using that property. Councilman Nathan Thomas stated whereas the fire co. interacts with the town whether it's using the fire hydrant at the park on the four corners, the town contracts with the fire co. so the town is accepting part of the responsibility as being your employer basically. So this is just a blanket policy. That is his thoughts on it.

Councilman John Thomas stated that's what the umbrella should cover, usually if we list an additional insured it's for a purpose, it's for something.

Supervisor Thomas stated the Town with Warren County, we provide a certificate to Warren County when we enter into the Snow and Ice Contract. He thinks it's more to show that we have insurance. Councilman John Thomas will call their insurance co. and see what they come up with, see what he suggests. Supervisor Thomas stated they also get a Certificate of Insurance from the Library when they do the concessions at the field. He thinks it's more to just show they have insurance. Supervisor Thomas stated so other than that, changing the numbers that match what you have or even if they have to change some of the verbiage it shouldn't be a problem. Councilman John Thomas stated one thing she has in there is for the insurance for the building, for replacement. It's not a replacement cost because there is no way they can replace what they have and the insurance co. won't write a policy for it. They have a half million dollars on it. Supervisor Thomas stated it would be hard to get replacement.

Councilman Nathan Thomas asked if the use of General Services can be added to the contract for supplies. He knows the Library and Historical Association gets fuel oil through the Office of General Services.

Is that something that could be added to the contract just to make more sense of spending taxpayer's money? Supervisor Thomas stated it's possible. Councilman Nathan Thomas stated he doesn't know if it's something to add to all three contracts or is it not necessary. Supervisor Thomas stated he doesn't know if we can force them to but maybe we can, he isn't sure. It's probably available to the fire co. You just have to contact the Department of State or Office of General Services and they will hook you up to the contract. Councilman Nathan Thomas stated he just knows heating oil through them, the bills were \$1.69 or \$1.79 a gallon so that's savings across the board that would probably be substantial.

Supt. Bradley asked if the fire dept. bid out there fuel. Councilman John Thomas stated they get a real good price from McKernon Oil so they have a yearly contract with them. It's a good price, it's a little more than what the towns paying. Councilman Carl Thomas stated you get fuel here at the town hall. Councilman John Thomas stated for the equipment to fuel up all the vehicles here. Supervisor Thomas stated when you get those numbers he will relay them to the attorney and see if we can get it completed.

Property at 13 Lanfear Road Update:

Supervisor Thomas reported that Cedarwood Engineers, Tom Suozzo, Mike Reilly and a young guy named Dan was there today and they looked the place all over. Also the gentleman that did the last major work on the house was there. He was helpful because he knew what was what and what he had fixed. What was under the siding, those type of things. He didn't see anything that looked drastic. It looks like its pretty much all gone through. Cedarwood is going to draft a report and sent it to him. There will be a few options in there, if the town wants to pursue lead paint or asbestos, things like that. They were there about 45 minutes or so. We will see what the report says. If the Board would like he can contact the realtor and we can set up a time that the Town Board itself can look at it and thinks it would be a good idea. He will get that arranged and see what they can do.

Councilman John Thomas asked if they knew what it had for a septic system. Supervisor Thomas stated its 1000 gallon concrete tank. There not sure if there's a leach field or a drywell but thinks it a leach field. Councilman John Thomas stated you don't know when it was last updated. If it's been in a certain amount of time he thinks the county would have a file on it. Supervisor Thomas agreed and stated it has a 150 amp electrical service. He said all the wiring had been replaced so there isn't any old BX stuff in there. He didn't see any mold. He doesn't think all the plumbing has been replaced but a lot of it has. It has electric and wood heat, he said there was insulation around the house underneath the siding and the roof looks good, what he could see of it. The guy that was there said he had replaced all the sills because they were rotted out and added floor joists to the first floor. It's a nice looking house for as old as it is.

Mr. L'Episcopo's son was there and mentioned that they brought a new lawn mower last Spring and used it to mow the field and said if the towns interested we could purchase that. He didn't say how much he wanted or it. So we can consider it. Other than that hopefully in a week or so they will get the report done.

Murray Road:

Councilman Carl Thomas asked if there was any update on the Murray Road problem. Supervisor Thomas stated the litigation? Councilman Carl Thomas stated yes. Supervisor Thomas stated not really. Supt. Bradley and himself were deposed a couple months ago and haven't heard anything since then. Supt. Bradley asked how long can they drag it out for now. Supervisor Thomas stated he didn't know. Supervisor Thomas stated he knew they wanted a lot of money for the supposed trees that the town cut. Hopefully they don't get that. He doesn't know if they are going to settle or go forward. He is sure if they go to court we will hear about it.

Committees:

Town Board Committee List:

Supervisor Thomas reported he updated the date on the list of Town Board Committee's for 2017. There are no changes.

Library:

Councilwoman Ryan reported the Stony Creek Library will be holding a Native Animals Program on Thursday January 26th from 4-5 PM.

Association of Towns Annual Meeting:

Supervisor Thomas asked if there was anyone else that would like to attend the Association of Towns. Assessor Peter LaGrasse and Councilman Nathan Thomas will be attending. If anyone else would like to go let Ronda know so she can set it up.

Buildings:

Supervisor Thomas reported a representative from Rise Engineering contacted him about 2-3 weeks ago and then he received a call from Andrew Neddo. Rise Engineer is working for National Grid and National Grid is put together a LED Lighting Program. This is similar to what they did a few years ago with lighting in the highway garage. The Representative was here last Tuesday or Wednesday and he looked everything over and he'll put together a proposal. Last time National Grid paid some and the Town paid some. That's how they changed the lighting at the highway garage.

Harrisburg Road and Wilcox Lake Management Plan:

Supervisor Thomas reported he scheduled a meeting today. A gentleman named Ben Thomas and a woman Kristen want to meet again about the Harrisburg Road going to Wilcox. They are trying to complete the Wilcox Unit Management. So he scheduled a meeting on February 3rd Friday at 9:30 AM. They want to go over and refresh what they talked about the last time they met. Supervisor Thomas stated what he thinks they are looking for is the Board to take action to either say yes or no. so they can put that in their plan.

Supervisor Thomas stated if you remember we talked about improving the road beyond where we do now, across the creek pretty much down to where you turn to go to the lake and they purposed building a parking area down there.

Councilman Nathan Thomas stated with all the funds Governor Cuomo is putting in to the Adirondacks maybe we could grab some. Supervisor Thomas agreed and stated maybe he has money to fix the road, but he wouldn't count on that.

Highway; Equipment:

Supt. Bradley stated he just wanted to touch on it now so the Town Board would have an idea of when they wanted to start figuring on a tandem. He knows we talked about this last year. It's about \$210,000.00. They went up about \$12,000.00 or so since the last time. That's on state bid too, Oneonta County bid. He can go different options but just so you have a rough idea of what's going on. Councilwoman Ryan asked what year truck he was looking to replace. Supt. Bradley stated they have the 2003 and 2004 but the one we would replace is the 1997 that got wrecked. They have a lot of little things going wrong on two of the trucks. The frame on the yellow truck will need to be changed out at some time, but can get by for a while. That will be \$50,000.00. Maybe the new truck will be taking the place of that and keep running the orange one that we brought from the Town of Inlet, it's just electrical things. So just to keep ahead of the game that's all he is looking for. He thinks the yellow truck is the best one he has there it has the perfect setup except for the frame. Supervisor Thomas asked if they all have that type of frame. Supt. Bradley stated no, the Mack has a single frame but you're talking a lot more money, probably \$20-\$30,000.00 easy. They have a wax you can spray on the frame so they are looking into that for the Spring, as long as the frame is clean. They are putting it on new vehicles. They have a special gun, it's almost like undercoating. A lot of towns are going for that. Its saving a lot, it's easy to rinse off. It's built on like grease and you take it off with another chemical if you want to get to the frame and stuff. It's something they are looking into. It might cost \$500.00 to do each truck.

Councilman Carl Thomas asked if he considered what they do with truck beds. Like the stuff they spray for bed liners. Could you do something like that with the frame too?

Supt. Bradley stated the box would be nice to do when it's new. The frame you would have to weld all the time. The flexing in the frame would get salt behind it. Councilman Nathan Thomas stated the other problem they have with the truck bed. Is if moisture in there they would basically capsulate the moisture. So the rust still happens because it's breathable but you don't know there is a problem until you step through it.

Supt. Bradley stated it would be nine months before the truck is even built. So you have plenty of time. Supervisor Thomas stated maybe we will time it so we can push it over to next year.

Supt. Bradley stated he figured maybe the later part of this year beginning of next year.

New Business:

Occupancy Bed Tax:

038-17. A resolution was made by Councilwoman Ryan seconded by Supervisor Thomas To enter into the amended Warren County Occupancy Bed Tax Agreement providing additional funding in the amount of \$15,000.00 for the year 2017. Roll call vote, all in favor.

Property at 13 Lanfear Road:

Supervisor Thomas reported that Attorney Mary-Ellen Stockwell suggested the Town Board set a public hearing for the BAN to be held at next month's meeting.

039-17. A resolution was made by Supervisor Thomas seconded by Councilman Carl Thomas to hold a public hearing authorizing issuance of Bond Anticipation Note for the Town of Stony Creek to finance the purchase of property at 13 Lanfear Road Stony Creek, NY. Not to exceed \$100,000.00. Roll call vote, all in favor.

Budget Transfers:

040-17. A resolution was made by Councilwoman Ryan seconded by Councilman John Thomas authorizing the following budget transfer:

Debit A5132.4 Garage in the amount of \$681.85.

Credit A6310.4 Community Action in the amount of \$521.85.

Credit A7620.4 Adult Recreation in the amount of \$160.00. Roll call vote, all in favor.

041-17. A resolution was made by Councilman John Thomas seconded by Councilman Carl Thomas authorizing the following budget transfer:

Debit A9010.8 State Retirement in the amount of \$9,942.60.

Credit Prepaid Expenses in the amount of \$9,942.60. Roll call vote, all in favor.

042-17. A resolution was made by Councilman Nathan Thomas seconded by Councilwoman Ryan authorizing the following budget transfer:

Debit DA9010.8 State Retirement in the amount of \$14,913.90.

Credit Prepaid Expenses in the amount of \$14,913.90. Roll call vote, all in favor.

043-17. A resolution was made by Councilman Carl Thomas seconded by Councilman John Thomas authorizing the following budget transfer:

Debit Fund Balance in the amount of \$36,695.33.

Credit A6410.4 Occupancy Tax in the amount of \$36,965.33. Roll call vote, all in favor.

From the floor:

Carl LaGrasse stated she has a couple questions. On the property being purchased on Lanfear Road, are we going to keep the homestead and there is some historic corn crib a unique building on that property where the people kept the chickens and all. Has that been looked at as to see if a nice historic structure would be worth showing to the public? She isn't seeing many corn cribs like that. Supervisor Thomas stated he doesn't know about the corn cribs, but he thinks they intend to keep the house. Mrs. LaGrasse stated you intend to keep the building? Supervisor Thomas stated yes. Mrs. LaGrasse asked what the town intended to use it for. Supervisor Thomas stated the purpose is initially possibly for the library to move into it. Mrs. LaGrasse stated from the building where they are now, they would move over there. Supervisor Thomas stated possibly. Mrs. LaGrasse stated it's a possibility. Supervisor Thomas stated he doesn't think it's a defiant thing. Mrs. LaGrasse stated she would like to suggest that maybe the Town Board could have a committee to look at the corn crib or ask the Town Historian of what she thought. It would be a shame that one day clearing up the side thinking it was an old shack. Supervisor Thomas asked if that is the barn behind the house. Mrs. LaGrasse stated it looks sort of like a barn but it's all ventilated slats for the corn they laid to dry to have chicken feed for the winter. Supervisor Thomas stated he would look at it.

Mrs. LaGrasse's second question is, when she was on the Town Board she tried for many years to require and persuade the Town Board to require the fire co. to give a complete financial accounting to the town and she never succeeded. She was reading the minutes of the Town Board meeting, where there was a lengthy discussion about what's included in the amount that the town gives the fire co. and what is not included in the report that's given to the town. She gathered from reading the minutes it's only on the amount the town actually gives the fire co. Mrs. LaGrasse asked if the fire co is non-for-profit organization. Supervisor Thomas stated he believes so. Councilman John Thomas stated yes, they are 501c3 non-for-profit. Mrs. LaGrasse asked if the town had a copy of the latest 990 form from the fire co. Supervisor Thomas stated he doesn't think we do, no. Mrs. LaGrasse asked if this is available. She understands by law if anyone asks her right now for a copy of the Property Rights Foundation of America's 501c3 she has to by law mail it to them immediately. So will the fire co. mail her a copy of that, and she has a question about its contents. Is it a list of all the receipts or just a partial accounting of the fire co.? Councilwoman Ryan stated it's all the accounts of the General Fund, Vehicle Fund and Gear Fund. Mrs. LaGrasse stated this is all on the 990 form? Councilman John Thomas stated its town money. Councilwoman Ryan stated it's on what she gives the town, it's on the records she gives to the town. Mrs. LaGrasse stated she is asking about all the funds on the non-for-profit organization. The fire co. is one fire co. it doesn't have two companies. Its one name Stony Creek Vol. Fire CO. and Emergency Squad does that 501C3 include all the funds. Councilwoman Ryan stated it includes all the funds where the money comes from the town. Mrs. LaGrasse stated so you don't in other words prepare a true 501C3 for the fire co.?

Councilwoman Ryan stated not for the penny collections, no. Mrs. LaGrasse stated not for the donations. Councilwoman Ryan stated that's right. Mrs. LaGrasse so the fire co. receipts are not included. Councilman Ryan stated right. Mrs. LaGrasse stated did you know that's illegal? Have you ever asked the lawyer about that? Councilwoman Ryan stated no. Mrs. LaGrasse stated that's illegal. Councilwoman Ryan stated we were just talking about that at the last meeting. Mrs. LaGrasse stated she read every word of it, she found it astounding.

Councilman John Thomas stated we do pay a CPA to file the fire co. taxes, so his assumption would be if there was something, he is aware of what they have, what accounts they have and he is actually the one who helped set this up, the 501c3 when they had to do the transfer. So his assumption would be if it's something that they needed to report on the taxes he would do it because he helped set it up and he's been there accountant ever since they did it. They can check with him. Mrs. LaGrasse stated she finds it astounding and don't tell her his name because she finds it quite astounding. You can't break a non-for-profit into two parts, it's an incorporated thing so it has to be one financial report. Now it may have sub sections in it. Its different lines where if you look at the 990 form, there is a line for donations so the penny collections would go under other donations received. For example Mrs. Jones sends you \$100.00 that would be under the line for donations and it has to be added up, it can't be on some other account. It would have to be put on all of your funds. Councilwoman Ryan stated like she said they just bought it up at the last meeting. Mrs. LaGrasse stated she read every word of it that's why she is asking because she was truly astounded. But then the point was never made that you were a non-for-profit organization that you are a 501c3 and you make a 990 report. It's not possible to divide an organizations reportage for the point of view of the federal form. You have to have an auditor for example if you're over \$50,000.00 and it has to be, she thinks a CPA. Councilman John Thomas stated they have a CPA that help set this 501c3 up. Mrs. LaGrasse asked if he audits it each time and sends his audit with it. Councilman John Thomas stated they send him the information. Councilwoman Ryan stated she sends him all the information. Mrs. LaGrasse stated so he creates two sets of reports, one for the so called non-profit. Councilwoman Ryan stated the whole company is non-profit. Mrs. LaGrasse stated that's what she means, if its non-profit its one report it can't have a partial report. Councilwoman Ryan stated it's not partial, they just have separate accounts. It's one name, one company. Mrs. LaGrasse stated one name it's the corporation. The corporation doesn't have an unincorporated part in an unincorporated report, it's not possible. This is a serious error and the town should have a copy of that, she would hop the town would want a copy of that. The whole report not the partial report. Like she said if you ask her for a copy of the Property Rights Foundation 501c3 and 990EZ, because they are under the \$50,000.00, tomorrow she has to put it in the mail to you. She can't leave out parts of it and say that's a report on the PRFA, it can't be done that way. You have to give the whole blessed organizations report. Councilwoman Ryan stated she gives the whole blessed report for the monies that's given to them by the town. Mrs. LaGrasse stated that's only part of the fund that is received by the fire co. Councilwoman Ryan stated she understands that now but she has been doing it for a while. Mrs. LaGrasse stated it doesn't mean its right. Councilwoman Ryan stated this is the first time it has come up.

Mrs. LaGrasse stated well there you are someone has bought it up. She suggests you look into it by contacting the NYS Charities Association, they are very helpful and kind. Ask them what they think. Ask them if your corporation is one entity. If you submit your 990 form with only part of the funding received does that make it complete? They actually have a section, received from government bodies. If you look at the form you see that even that alone applies and other things that go in the report. But there is a line for donations you can't leave out.

You should check it out and the NYS Charities Registration is very helpful. People who have certain proper certifications do make errors.

Councilman John Thomas stated once again he is pretty sure, they had a comptroller up there and did a complete audit of the whole fire co. All assets, all the books and thinks they went back five years and they found no issues as far as tax reporting the 501c3, but they will double check on it. But if there was a problem the comptroller and their CPA would have put a red flag or something. The comptroller looked at everything up to five years.

Mrs. LaGrasse asked if he looked at the report that was made, the 990 and did he see that things were not included in that? Councilman John Thomas stated he looked at everything. They saw every bit of information pertaining to that company. They were there for almost two months. Everything pertaining to that company they looked at. They will double check and make sure there are no issues. Mrs. LaGrasse stated she doesn't want to call the NYS Charities Registration and make an inquiry about the fire co. That seems a little unfriendly. It's like making an investigation and she suggests they contact the Charities Registration and see if you can make your report on the 990 and leave out a significant amount of money that's made in donations.

A motion was made by Councilman Nathan Thomas seconded by Councilwoman Ryan to adjourn the meeting at 8:06 PM. All in favor, motion carried.

Respectfully submitted,

Susan Harrington, RMC
Town Clerk