

December 18th, 2012

The regular Town Board meeting of the Town of Stony Creek was held on December 18, 2012. Supervisor Thomas called the meeting to order at 7:01 PM with members present:

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

November 20, 2012 minutes:

Correction: page 246 change low grade to load grading so vehicles can drive over it.
A motion was made by Councilwoman Ryan seconded by Councilman John Thomas to accept the November 20, 2012 minutes. All in favor, motion carried.

149-12. A resolution was made by Councilman Gill seconded by Councilman Nathan Thomas to pay the General Fund bills in the amount of \$16,564.68.

Discussion: Councilman John Thomas asked about the Bobcat bill in the amount of \$2937.50 for the Heritage Trails. How much is reimbursable for the grant? Supervisor Thomas stated it is a 50/50. Councilman John Thomas stated it occurs when the projects done? Supervisor Thomas stated as we go along. We can be reimbursed or we can seek reimbursement from the County and then they will get reimbursed from the State. Roll call vote, all in favor

150-12. A resolution was made by Councilwoman Ryan seconded by Councilman Gill to pay the Highway Fund bills in the amount of \$22,700.76.

Discussion: Councilman John Thomas asked about the salt bill in the amount of \$10,746.63, is that for the winter? Supervisor Thomas stated no, what he does is he bids on it, he puts in a bid or an amount of salt he intends to get and they hold him to that so he is finishing up his commitment to the salt company, he isn't sure how much he gets. Roll call vote, all in favor.

Town Clerk Report:

Conservation licenses	\$ 4.13
Death Copies	70.00
Fax	5.00
Copies	<u>.25</u>
Total Town Clerk fees	\$ 79.38
Dog Licenses	<u>30.00</u>
Total Town Revenues to Supervisor	109.38
NYS Agriculture and Markets	6.00
NYS Environmental Conservation	<u>182.87</u>
Total disbursed	\$298.25

Correspondence:

Three letters from concerned residents- regarding the condition of Dale Colson's property at 72 Murray Road.

Stony Creek Chamber of Commerce-request to use the town hall and kitchen for their meetings on the third Thursday of each month from 6:30-8:30 PM.

Stony Creek Free Library-permission to use of the town hall for the 2013 Winter Concert Series to be held January 11, February 8, March 8 and April 5 of 2013 from 5-9:00 PM.

A motion was made by Councilman Nathan Thomas seconded by Councilwoman Ryan authorizing the Stony Creek Chamber of Commerce use of the town hall for their monthly meetings on the third Thursday of each month from 6:30-8:30 PM. All in favor, motion carried.

A motion was made by Supervisor Thomas seconded by Councilman Gill authorizing the Stony Creek Free Library use of the town hall for their 2013 Winter Concert Series to be held January 11, February 8, March 8 and April 5 of 2013 from 5-9:00 PM. All in favor, motion carried

The three letters regarding Dale Colson's property at 72 Murray Road:

Supervisor Thomas stated we have three letters and we can discuss this now or think about it and discuss it in new business. Councilwoman Ryan suggested going over and look at the property to see how bad it is. Councilman Nathan Thomas reported there is a lot of stuff down there. Supervisor Thomas stated there is. Councilman Nathan Thomas stated it washed a lot of stuff down by the Heritage Trails during the last flood. There is obvious a note for concern. He doesn't know what standing we have with the town or county but is something you can forward to the county. Councilwoman Ryan stated you have concerned citizens something should be done. Supervisor Thomas stated we have someone writing a letter they didn't sign their name to it but we could entertain the Warren County Building Code Dept. to go over and see if he does have a CO, he doesn't think he does. Councilman John Thomas stated he thinks this would be a good place to start. That is the first step and the Health Officer as far as inspecting, we don't inspect. Supervisor Thomas stated they have the authority, so that is what we will do. We will start with the Warren County Building Code and then go from there if we need to get the Health Officer involved we can do that.

Old Business:

Highway; DEC tanks and floor drains:

Supervisor Thomas reported the holding tanks have been installed a week and a half ago. There were two tanks each one is 1250 gallons they are concrete tanks, there is a float in them that when the water gets to approximately 12 inches to the top the alarm sounds and a light goes off to tell us that its time to empty it. The bills were in the General Fund, the tanks were about \$4100.00 and that includes four manhole entrances also a new cover for the original sediment tank that was in there. That tank has been pumped out and the contents taken out so that's been thoroughly cleaned within the last week. That is pretty much where we stand with that. He thinks we are pretty much in compliance, he hasn't heard anything different.

The next part is the contaminated dirt:

We have a pile of dirt in the back that needs to be disposed of; he talked with Tom Suozzo and contacted a company called ESMI they are in Fort Edward. They have permits to accept the contaminated dirt and burned it; they take possession of it so it is no longer our problem. They E-mailed over a contract, their price is \$45.00 per ton. They have approximately 50 ton. Supervisor Thomas thinks there is a tandem and a half so he would say about 30-35 tons. Councilman Gill asked if they would haul it. Supervisor Thomas stated they would. Pat Galusha also has a 364 Permit you have to have a 364 Permit to haul this material. We tried to get one for the town but DEC wouldn't issue a temporary one for the town. There will also be an expense for the hauling he isn't sure how much that will be. The material itself will be a couple thousand dollars because they have a section in the contract that if it is above a certain moisture content they will charge \$1.00 per ton per % moisture above 18%. Councilman John Thomas asked if the stuff has been covered. Supervisor Thomas stated he thinks most of it is covered, there maybe a little bit that is wet but it's sandy soil its not clay, so it could be a couple thousand dollars to ESMI and not sure about the hauling, probably two trips \$5-\$600.00. That would pretty much wrap us up. There were samples of this soil tested. It had to be tested for ESMI to accept it so there will be some expense there also. Supervisor Thomas stated with that and if the Board is agreeable to enter into the agreement with ESMI we can get rid of this dirt once and for all. Councilwoman Ryan stated we have been dealing with it for a while. Supervisor Thomas stated some of the dirt has been there quite a long time.

151-12. A resolution was made by Councilman Nathan Thomas seconded by Councilwoman Ryan to enter into the contract with ESMI and to contact Pat Galusha for the hauling of approximately 35 tons of contaminated dirt from the back of the highway garage.

Discussion: Supervisor Thomas stated that once they accept it and it's at their plant its there problem. Councilman Nathan Thomas stated as far as worrying about storage and all that we are done with this section with any luck. Supervisor Thomas stated hopefully, we should be good. The only thing we have now is the expense of getting the tanks pumped out. Councilman John Thomas asked if we have to contract for someone to do that or have someone on call when we need it. Supervisor Thomas stated he has gotten a price from Bradley Septic and can get more prices, he thinks Hometown does it also. It will probably be a couple thousand gallons that's being drawn. Councilman John Thomas stated they also have to have a special permit to do that because its not just sewage, he thinks its defied as a different class. Supervisor Thomas stated he thinks they do. The Department of Conservation that seems to be what they, its either that or put in an elaborate filtered system and test the water each month.

Dale Aldrich asked when they wash the trucks is this going to run into it? Supervisor Thomas stated yes. Mr. Aldrich stated and this is contaminated. Councilman Nathan Thomas stated that's the theory behind it. Supervisor Thomas stated if it goes in the floor drains it is. Mr. Aldrich stated wouldn't it be better to have a wash rack outside and let it go on the ground? Supervisor Thomas stated he thinks they do wash outside. He thinks there are times.

Councilwoman Ryan stated when the trucks are inside they are going to drip whatever they ran over on to the floor.

Mr. Aldrich stated washing the trucks inside, there is a lot of water involved there plus the equipment, they keep them in good shape. If you have to haul all that water or pay so much a gallon and so much per ton that's going to be expensive, other then having a wash rack outside.

Supervisor Thomas stated he would estimate \$3-\$400.00 per trip.

Councilman Nathan Thomas stated Supt. Bradley was trying to find money to get a high pressured-low volume-washing unit to wash the trucks to conserve water but they are as much as it would be to dispose of a truckload of water. Supervisor Thomas stated he believes they do wash outside the majority of the time, if it were to get real cold. Mr. Aldrich stated we all understand it with trucks in there and its heated salty water is going to run off but for washing it would seem they would back them out.

Councilman John Thomas stated as long as they do it outside and run it in the dirt it's not an issue its only when we collect it inside the building. Supervisor Thomas stated right, so far. Roll call vote, all in favor.

Union Negotiations:

Supervisor Thomas reported they met on November 27th and December 13th and they have come up with a tentative agreement. The union has agreed to this tentative agreement.

Supervisor Thomas gave the town board a chance to look over the agreement and stated if they want to discuss this he would recommend they go into executive session until they decide to take a vote, that way if we decide not to enter into this we won't compromise our position.

Councilman John Thomas stated there is not much of a change. Supervisor Thomas stated that it's basically the same.

Councilwoman Ryan stated she would like to go into executive session to discuss the agreement with the other board members.

7:27 PM A motion was made by Councilwoman Ryan seconded by Councilman Nathan Thomas to go into executive session to discuss the tentative union agreement. All in favor, motion carried.

7:39 PM. A motion was made by Councilman Nathan Thomas seconded by Councilwoman Ryan to go back into regular session. All in favor, motion carried.

Supervisor Thomas stated no action was taken in Executive Session.

152-12 A resolution was made by Councilman Nathan Thomas seconded by Councilwoman Ryan to accept the three-year (2013-2015) Tentative Agreement between the Town of Stony Creek and the Union. AFSCME Council 66-Local 1046. Roll call vote, Councilman Gill-yes, Councilman John Thomas-abstained, Councilman Nathan Thomas-yes, Councilwoman Ryan-yes, Supervisor Thomas-yes.

Cemeteries:

Supervisor Thomas reported he would like to start addressing the cemeteries. Supervisor Thomas gave Councilman John Thomas a copy of Attorney Coopers letter of recommendations from last Fall of 2011. Supervisor Thomas stated he would like to start with the Dean Cemetery we discussed about getting together and take care of that situation. So with weather permitting he would like to move forward on that. Councilman John Thomas reported that Attorney Cooper stated as long as the corners were marked and measured out we wouldn't need to have it surveyed he guesses it would have to be checked with him about how a deed would be created off of that without having a survey.

Supervisor Thomas stated he isn't sure how you would do it. You would have to reference it somehow. Councilman John Thomas stated right now he hasn't looked up the deed the town has but his deed doesn't specify, it doesn't start at any point and doesn't end at any point, it just gives a size. There are no coordinates there is nothing on it as to where it starts or ends. Supervisor Thomas stated he would like for us to meet down there and get some idea of what Councilman John Thomas has in mind and go from there and find out from Attorney Cooper what type of deed that has to be specified. He knows this is an on going the along with the rest of the cemeteries. He doesn't know if we can accomplish everything that is in the letter. He doesn't know if we have the authority to close private cemeteries. It would be nice if we had a local law that the Town Clerk would have to be notified before they are buried no matter if its private public or in the backyard.

Insurance:

Councilman Gill asked if the issue with Mr. and Mrs. Randall was settled. Supervisor Thomas stated yes the insurance co. decided to settle with them for \$5000.00. He personally felt that if they responded quicker to the situation we wouldn't have had to pay out that much. It was two weeks before the adjusters showed up usually they are here in a day or two.

Committee Reports:

Supervisor Thomas reported they have engaged in the Enhanced Business System. The program has been installed. We have one training session and have two more coming up. This week seems to be going pretty well. It's a different program you have to get use to it. He thinks it will be easy to operate. Although it was expensive he thinks it was a good move for the town.

New Business:

153-12 A resolution was made by Councilman Gill seconded by Councilwoman Ryan authorizing the Supervisor to sign the 2013 Senior Transport Agreement between the Town of Stony Creek and the Warren Hamilton Counties Community Action Agency in the amount of \$4400.00. Roll call vote, all in favor.

Burning Permits:

Supervisor Thomas stated that NYS Forest Ranger Evan Donegon, asked if the town would be interested in issuing burning permits. Supervisor Thomas asked what the liability was for the town. Mr. Donegon told him there wasn't any it will not be the towns job to enforce this. The Town Clerk would issue them and it would be up to the Forest Ranger to enforce this.

154-12. A resolution was made by Councilman Gill seconded by Councilman John Thomas authorizing the Town Clerk to issue NYS Burning Permits to the Town of Stony Creek Residents. Roll call vote, all in favor.

Supervisor Thomas reported the NYS Associations of Towns Annual Meeting will be held in NYC February 17th-20th, 2013.

Budget Adjustments:

155-12. A resolution was made by Supervisor Thomas seconded by Councilman Gill authorizing the following budget transfer:

- Debit A1990.4 Contingent in the amount of \$3075.42.
 - Debit A1420.4 Attorney Contractual in the amount of \$1300.00.
 - Debit A1320.4 Audit Contractual in the amount of \$1000.00.
 - Debit Fund Balance in the amount of \$15,136.05.
 - Debit Estimated Revenues A2705 Gifts and Donations in the amount of \$468.04.
 - Credit A7180.4 Special Facility Contractual in the amount of \$5000.00.
 - Credit A1410.4 Town Clerk in the amount of \$2.78.
 - Credit A5132.4 Garage Contractual in the amount of \$10,133.27.
 - Credit A6310.4 Community Action Admin. in the amount of \$468.04.
- Roll call vote, all in favor.

156-12. A resolution was made by Councilwoman Ryan seconded by Councilman Gill authorizing the following budget transfer:

- Debit DA5130.2 Machinery Equipment in the amount of \$2335.25.
 - Debit DA5142.4 Snow Removal in the amount of \$1068.52.
 - Debit DA5112.2 Improvement Capital outlay in the amount of \$3022.50.
 - Debit DA5120.4 Bridges Contractual in the amount of \$451.71.
 - Debit DA5110.1 General Repairs Personal in the amount of \$4615.15.
 - Credit DA5130.4 Machinery Contractual in the amount of \$1497.97.
 - Credit DA5110.4 General Repairs Contractual in the amount of \$9995.16.
- Roll call vote, all in favor.

From the floor:

Peter made a presentation of the State Land Tax Base Comparisons for the year 2012.

State Land Tax Base Comparisons For The Year 2012

Assessed values shown above full values; full values in bold face

Town & E.R.	State Owned Land Total	Transitional Ass'mt	Aggregate Ass'mt	Town Grand Roll Total	% SOL \$ of Roll	% SOL acres of Town	\$ per Acre SOL	% Agg. & Trans of SOL	% Agg. & Trans of Roll
Stony Creek	\$708,337	\$161,750	\$312,830	\$1,470,185	48.2%	53.5%	\$947	67%	32.3%
	\$70,132,376	\$16,014,851	\$30,973,267	\$145,562,871					1.01%
Thurman	\$60,952,840	\$0	\$35,896,820	\$158,935,174	38.35%	48%	\$892	58.9%	22.6%
	\$64,160,884	\$0	\$37,786,126	\$162,300,183					
Johnsburg	\$1,776,013	\$0	\$652,330	\$8,861,176	20.04%	60%	\$1029	36.73%	7.4%
	\$93,474,368	\$0	\$34,333,158	\$466,377,684					

Wells	\$141,166,460	\$0	\$82,226,770	\$238,686,852	59.14%	79%	\$625	58.25%	34.5%
93%	\$151,791,892	\$0	\$88,415,882	\$256,652,529					

Notes column heads: Town & E.R. = Town and Equalization Rate (the ratio of assessment to full value)

State Owned Land Total = the total ass'mt. of state land including parcel, Adirondack Aggregate & Transitional Assessments.

Transitional Ass'mt. = Transitional Assessment as per RPTL Sec. 545: *State Aid; state owned land.*

Aggregate Ass'mt. = Adirondack Park Aggregate Assessment as per RPTL Sec 542.3(c): *Assessment of state lands.*

Town Grand Roll Total = The entire tax base of the town including State Owned Land, Transitional & Aggregate Assessments, assessments on privately owned land and Special Franchise (power lines and phone lines in highways).

% SOL \$ of Roll = the percent of the Town assessments Grand Total that is State Owned Land Total

%SOL acres of Town = the percent of acreage of the town that is SOL (2009 Adirondack Park Regional Assessment Project)

\$ per Acre SOL = parcel full value per acre SOL not counting Trans or Agg. (2009 Adirondack Pk. Reg. Ass'mt. Project)

% Agg & Trans. of SOL = the percent of the State Owned Land Total that is Aggregate and Transitional Assessment

% Agg & Trans of Roll = the percent of the Town Grand Total that is Aggregate and Transitional Assessment

Commentary: A comparison of towns close to Stony Creek has included Thurman, Johnsburg and Wells. Hadley and Day were excluded due to non-comparable state funding due to the reservoir in these towns. Stony Creek has 53.5% of the town is state land acreage, Thurman is the lowest at 48% of the town is state sand acreage; yet Stony Creek is second highest in percent of assessments of SOL on the Roll. The percent of SOL assessment does not match the percentage of land in each town due to the amount of Aggregate Assessment that varies with each town, not to mention that only Stony Creek has Transitional Assessment. Thurman's Aggregate is the least in percent at 22.6%. As stated previously in this study, Aggregate is based on SOL parcel assessment in the year 1960, so it is unchangeable except for change in level of assessment. Going on to the actual parcel assessment, \$ per acre SOL, there are variables. Hague has \$2149/acre, Fort Ann has \$2,892/ acre and Dresden has \$3,734/acre. (2009 Adirondack Regional Ass'mt. Project). This is likely due to the much higher bare land values seen in these towns. Likewise, in this study, Wells has the least average parcel value at \$625/acre, and Johnsburg the most at \$1,029/acre.

For more information about the threat to the tax base in the Adirondack Park and the basis for taxation of state owned land within the Adirondack Park, go to the website: prfamerica.org and then go to home page, scroll down to Property Rights Around the Nation, click New York; and then scroll down to Real Estate Tax & Assessment – New York, then scroll to *Dillenburg v. State of New York, Threat to Adirondack Tax Base*, by this writer.

This paper cites 1883 Assembly and 1884 Senate documents which established the basis of taxation of state land. Also scroll to *Tax Base in the Adirondack Park*, by this writer. This paper is a general discussion of the elements of the tax base discussed above, and the threats to them.

Peter J. La Grasse, December 18, 2012

Supervisor Thomas reported the 2013 Organizational Meeting will be held on Wednesday January 2, 2013 at 6:30 PM.

Supervisor Thomas wished everyone a Merry Christmas

A motion was made by Councilwoman Ryan seconded by Councilman Gill to adjourn the meeting at 8:41 PM. All in favor, motion carried.

Respectfully submitted,

Susan Harrington
Town Clerk