

February 23, 2010

The regular town board meeting of the Town of Stony Creek was called to order at 7:02 PM by Supervisor Thomas with members present:

Councilman Dale Aldrich

Councilman Stanley Ross

Councilman Harry Paul Gill

Attorney James Cooper

Absent: Councilman William Liebl

Corrections to the January 19, 2010 are as follows:

Page 145 change not possible either to, that is a possibility also.

Page 151 take out according and insert three months.

A motion was made by Councilman Aldrich seconded by Councilman Ross to accept the January 19, 2010 minutes with corrections made. All in favor, motion carried.

Corrections to the February 9, 2010 is as follows:

Page 154 change Kurt Cogen to Kurt Koskinen.

Page 153 change disposal to proposal.

A motion was made by Councilman Gill seconded by Councilman Aldrich to accept the February 9, 2010 minutes with corrections made. All in favor, motion carried.

049-10. A resolution was made by Councilman Ross seconded by Councilman Aldrich to pay the General Fund bills in the amount of \$12,680.45. Roll call vote, all in favor.

050-10. A resolution was made by Councilman Ross seconded by Councilman Gill to pay the Highway Fund bills in the amount of \$50,229.61.

Discussion:

Pallette Stone bill-purchase of stone dust: Supt. Bradley stated throughout the year they pretty much buy that much, we got it for free. There is a limited time frame when you can get it for free. Normally the price is \$5 to \$7.00 a ton. It packs better and don't have to nearly take care of the roads as much. It packs. It was used in West Stony Creek, upper Tucker Road, they don't put it on the hills because it kind of washes off. Eventually they will do a lot of roads with this. The company has a limited time frame they want it gone. They originally offered it to them for \$2.00 a ton. He told them they couldn't truck it and asked how much they would charge for trucking per ton. They said \$5.00 per ton with the material. Then they called back and said \$5.50 a ton. So originally he told them to bring us a 1000 tons, they brought a 1000 tons and said to keep going he is under the assumption that it is still \$5.50 a ton \$2.00 a ton their giving the materials for free. So it should be \$3.50 for the truck.

They wanted \$2.00 for material and \$5.50 to bring it here so that leaves \$3.50. He ordered the second 1000 tons and the next thing you know the price is \$4. something. It still benefited us. We are still way ahead. Just the fuel and man-hours at \$20.00 an hour if we had to buy it, We wouldn't have to have bought it all this year but we would have to have bought it in two years, we use almost that much anyways. It would have been \$7000.00 that's not including wear and tear on the truck at all, it's not including tires it's just man-hours and fuel. If you want to go the other way, 275 a mile that's what the truckers get. It would have been \$200.00 per load each way it would be \$85.00 an hour if you had to pay somebody else, it's \$175.00 per load. Equal all that up we still made out. It would take 111 trips to carry that much, these guys are carrying 35 ton, we are carrying 18 ton. So it would have taken us 111, 18 ton each trip it would have taken us 27¾ days to haul that much material. We haul four times a day. So anyway you look at it, and he will go over the figures with the Board, defiantly it was a benefit to us if we are using that material. If you don't agree with us using that material then it wasn't a benefit. But he agrees that was a benefit, if you buy periodically \$1000.00 here \$2000.00 here it adds up. Its \$160.00 per day per man, \$4440.00 in just man hours to haul that if we were doing it plus it's a benefit because the roads are rough and it's eating the crap out of our trucks and we are doing stuff, we are doing other stuff so it's a benefit to have them haul it. He had a little problem with the Union because they thought they were being misplaced but they are still working, they are getting paid. If they weren't working yeah, he tried to explain that to them. But we are doing other stuff. Fixing trucks, plowing snow whatever.

Donald has haul 800 tons by himself since then. They (Palette) were originally going to do this for a couple of days that extended it to the end of the month so Donald hauled another 100 tons and between Larry and Dave they might have gotten 500 tons more from that. We might have 4000 tons down there almost and we should get 4500 tons before the end of the month. He can refine those numbers on a spreadsheet he just quickly did this before he came down here. So if you had to buy the material at \$7.00 a ton its \$14,000.00 in material that we didn't pay for. So if we paid the \$9000.00 we still saved. We would have saved more if we trucked it but we can't truck that much material and still get our job done.

Chemung bill: is culverts under State contract, cutting edges for the plows certain times you are going to see cutting edges from John Deere because they have had problems with Chemung sending them, they don't match up, certain patterns. Scott had to buy a cutting edge from John Deere because it fits and it's a little bit thicker then what Chemung sells us. John Deere was cheaper then Chemung the last time they bought it.

Rims: They cracked again we had that same problem last year. Supervisor Thomas asked which truck. Supt Bradley stated it's the yellow International what they think is going on is it has the rubber block suspension instead of heavy springs it has heavy rubber, they think, they don't know for sure.

Chestertown had the same problem. The reason he spec the truck out with those type of rims on there it's a bud rim. The date rim is an open spoke, is because we were going through the spokes. They wear down and you have to change it because it slides off so when he spec this truck out he figured it would be better. The suspension when you turn it the tires are almost coming off the rims because it is so tight it won't give, so it puts a lot of stress on the rims and they are cracking in the center everyone was almost cracked. So they brought all new rims and went up to a heavier rim, which cost \$50.00 more each rim, so it's like two-ton difference but it's heavier. The only other option is like Chestertown did they just got rid of the whole system and went back to the other system which you can buy the whole spoke and put on there, but you talking a lot of money. But is it worth it? He (the guy in Chestertown) got so sick of doing it they couldn't do it anymore, but we have changed allot of spokes too so it's six one half dozen of the other. That's a lot of money \$1400.00 for rims he knows but one rim is gone, there is no center in it. Larry was driving it and someone noticed it gone. It's pretty dangerous. That's why that bill is so much. That was the cheapest place on rims when he priced them out.

Staples bill: computer. Supt Bradley stated the old one needed a battery, he bought it in 2005-2006, and they have one in the shop they use and his own that he uses. It was lower then the last one he bought, it was \$200.00 to get it updated. The screen was cutting out so it was going to cost money to fix it he didn't get a professional he got an estimate from somebody that works on them and it was half the money to buy a new computer so he brought a new computer. Supervisor Thomas asked where the old one was. Supt. Bradley stated the old one is at his house, you can do whatever you want with it, He thought about fixing it himself and using it not personal but around here. Councilman Aldrich stated turn it in and turn it into the junk pile. Supt. Bradley stated it can be fixed but he was going to fix it with his own money and a used battery was around \$100.00. He had it listed on there he put windows 7 plus, he has an anti virus now, Norton. He updated that which was \$90.00 on top \$30.00 with the rebate. Supervisor Thomas stated we have a lot of old stuff around here, the records room has a bunch of old printers we will have to address that at some point and get rid of them. It does belong to the town. Supt Bradley stated yes, he still has it. Councilman Aldrich stated turn it in and we will put it in there Supt. Bradley stated he can make that decision, if he wants to put his money into it and they can use it right, it's highway stuff still, he hasn't fixed it yet and it's not going anywhere he hates to see it be a waste, we can probably utilize it is what he is saying, it's not an antique by know means, he just felt it would be a better option to go with a new one. Every time you opened the screen, and he's opened it a million times, the wires in there get wore away or whatever, the screen goes blank, the battery was getting weak wouldn't hold the charge and thought he better buy a new one.

Roll call vote, all in favor.

Town Clerk report:	
Certified Death copy	\$10.00
Certified Marriage copy	20.00
Fax	<u>1.00</u>
Total Town Clerk Fees:	31.00
Dog licenses	<u>11.48</u>
Total Town Revenues to Supervisor	42.48
County Treasurer for dog licenses	<u>3.52</u>
Total disbursed	\$46.00

Correspondence:

Dog Control log-December 2009, January 2010.

1000 Acres Golf Club renewing it's liquor license.

Stony Creek Free Library; Thanking the Town Board for the 2010 funding award also 2009 financial report.

Attorneys Smith & Simon, LLC: regarding logging of Vanderwerker Parcel on Fodder Road and would like to be put on the agenda for the March 16th, meeting.

Attorneys Smith and Simon letter: Supervisor Thomas stated regarding the letter from Smith and Simon at the meeting on February 9th we did discuss that and we did decide not to agree to do that. He says he was unaware of miscommunications, he knows that Mr. Kurt Koskinen was fully aware that we were having a Board meeting on the 9th so he doesn't know who is miscommunicated.

Attorney Cooper stated he thinks he is saying, he sent Attorney Cooper a letter and he didn't give him any heads up as to the fact that it was going to be discussed or tell him to come or whatever he thinks that is what he is alluding to. He called Attorney Cooper on the phone today, He wrote a letter on February 11th. He didn't send Frank a copy as if he could fix the agenda with the Board. Attorney Cooper stated he doesn't remember getting this letter, he told them that today so he faxed Attorney Cooper a copy of it. So he thinks the miscommunication he is referring to is either he didn't get his letter or that he didn't act on the letter or he didn't tell the Supervisor after he got the letter but anyway they would like to make another pitch to the Board. Supervisor Thomas stated sure, He knows prior to February 9th, Mr. Koskinen was trying to make him make a decision and told him he would bring it to the board, he wouldn't make a decision and he wanted him, he didn't say have a special board meeting. But he indicated that he needed it done right away and he told Mr. Koskinen February 9th we will address it.

Attorney Cooper stated his conversation with Mr. Simon today he said something about mud season is only a couple weeks away and apparently he contacted the forester and the conceded they won't be able to do anything this winter but they would like to have this straightened out for when the ground dries out this summer or maybe next winter.

That's why they want to come before the Board. Attorney Cooper stated he thinks it would be useful, and asked if Supervisor Thomas was going to put this on the agenda, Supervisor Thomas stated sure, yes he's going to, if Supt. Bradley could come next month and give the particulars on how much of the road is used there, how wide the actual tread is and how much he thinks is needed for shoulders. Supt. Bradley stated he also explained to him it is no different from where he lives, it's like having someone put logs on his property how would he like it. His next best bet would be to talk to Vinny himself, Vinny is worried about the big mess that was down the whole length of the rest of the road. This guy is forwarding everything out and stacking it nice and neat and that is what Vinny is looking for and said no way but this could be stack nice and neat on the back side of his property and would never even see it. He thinks it going to be a header and a big mess. That's when they came to him and asked if they could stack it next to the road and that's when he explained it to him that he doesn't think it is possible because it wouldn't be no different then where he lives if a logger wants to stack logs on his property how would you like it. Regardless it's the same thing. Supt Bradley stated yes he will be here and also needs to post the roads.

Councilman Aldrich stated we talked about this at the last board meeting about what we would do and thinks we made our decision that it wasn't acceptable to use the town road right of way or anything to stack logs and to contact the adjoining landowner and ought to leave at that. Supervisor Thomas stated yes, we can do that too.

Councilman Aldrich stated it's more or less a courtesy call to let Smith or Simon.

Supervisor Thomas stated if he wants us to tell them that in person he can come here on March 19th and he will be more then happy to tell him. Councilman Aldrich stated a phone call, we made our decision and talked about it before and the decision is made. If they want to stack them on the neighbors lawn or adjoining landowner that's good but as far as we talked about it as a board we weren't interested. Supervisor Thomas stated right. Supt. Bradley stated especially this year everything is so soft it's not good to have, and they all do it. Using the side of the road as their header, loading on the side of the road. They have had bulldozers, a guy drove his bulldozer up and down the road and he had to leave him a note then you had two skidders drive down the center of the road and then you had someone drive a bulldozer down the road, He did give the town mulch for that. He didn't do much damage just the idea.

Supervisor Thomas stated maybe they should start providing the town with bonds and if they want to run up and down the road with equipment and they damage the highway we can go back on their bond and make them pay for it.

Supt. Bradley stated we need to do something because these guys.

He is a little to generous, he kind of lets a lot of things slide a certain amount he has talked to this guy a number of times drawing and told him he has to draw in the morning and the next thing two days later he's drawing again. What is he going to do call the cops and he'll be getting everybody mad and then have to wait for a weight truck to come in and

weigh him and he doesn't know how to even pursue to get them in trouble for that because they are ruining the roads.

Councilman Aldrich stated you certainly shouldn't be running bulldozers up the road or a skidder with chains on it. Supt. Bradley stated he doesn't know about it until after it's done and then he the guy across the road is doing it. There has to be some recourse, the Board has to steer him some direction so they can start doing something here besides just telling them because it isn't working.

Supt Bradley stated if there is some way of doing bonds. Supervisor Thomas stated that is going to put a burden on the logger there is no doubt about that.

Supt. Bradley stated there is a certain few that is ruining it for everybody. These loggers come out of town they come here, they don't care he's already out of here the damage is already done.

Councilman Ross stated are you saying they don't know it when the roads are posted?

Supt. Bradley stated some of them do. They say I'm just running this one load, that's truck drivers but as far as running a bulldozer that shouldn't happen period.

Councilman Aldrich stated there has to be something to do with an unregistered vehicle on a town road, even if they are heavy commercial if they are running an excavator or a skidder down the road. Supt. Bradley stated it's like a farm tractor you can run a farm tractor down the road as long as you have a slow moving sign on it. It doesn't have to be registered.

Attorney Cooper stated we had this issue before because Bill bought up about the towns lawn tractor he called up DMV and Supt. Bradley's right if it's an agricultural piece of equipment they don't need to register it and they don't need it insured. Councilman Aldrich stated farm tractor? Attorney Cooper stated yes but he thinks it is anything in that class. Councilman Aldrich stated what about a bulldozer or excavator that's got tracks on it. Attorney Cooper stated if you are going over to Warrensburg to get groceries well then he would imagine the trooper might stop you. Councilman Aldrich stated it would seem that there would be a State Law or County, somebody that would enforce that.

Attorney Cooper will look into this.

Old Business:

Purchase orders: Supervisor Thomas stated the board has a sheet landscaped in nature and it's a proposal for purchase order policy there is also a request for purchase order sheet and a procurement worksheet. This has been bought up in various forms various times over the years it's been several years now and this is probably as far long as it has ever gotten. He tried to keep it simple as he can.

He put it out for comments, at the February 9th meeting we approved the current Procurement Policy so if the Board were to decide to go with this or a variation of this we would have to amend the current policy which isn't a real big deal but would have to be done.

Councilman Aldrich stated we talked about it at the last board meeting and there is enough work done on it here, lets air it out and see what everybody thinks.

Councilman Aldrich stated everything would have a purchase order on it. Supervisor Thomas stated yes also the accounting system that we use here at the town hall, it started out as Impact then a company by the name of Harris brought out Impact actually they switched. Harris use to do Court system and Impact has taking over the Courts and Harris has taken over the Municipal Accounting they also have a module that can be purchased that fits right in with the existing system and when the purchase order is issued the money is already encumbered the quote was \$22-2300.00 that was with the training. That was a year and a half ago. While he was in New York City he did talk to a gentleman from the Harris Company he is suppose to stop by the Town Hall tomorrow and give us a quote. He is trying to sell us an upgrade. They upgraded the whole accounting system and back when we got the quote on the purchase order they wanted \$17,000.00 to upgrade and when he was in New York City he told him that wasn't happening, he said he realized that and now they are talking \$7-8000.00. Supervisor Thomas stated even that he is going to have to show him what the benefit is. They paid \$10,000.00 for it to begin with and to pay \$7-8000.00 is quite a lot.

Attorney Cooper asked who assigns the number to the purchase order?

Ronda Thomas Bookkeeper, stated the accounting system does it.

Councilman Ross asked if he was looking to start this tonight or is this an informational thing. Supervisor Thomas stated yeah if the board feels comfortable doing it we could approve it, he would say we would have to amend the Procurement Policy and he didn't go that far because he didn't know which this was going to take place or could be changed or whatever and come back and have a formal Procurement Policy next month it would probably be a month before we got it up and running unless we start doing it by hand and he doesn't know how they would do that, it best to integrate it with the system.

Supt. Bradley stated buying diesel fuel how is he going to know. He would have to get real specific on how he ordered, he would have to order 2000 gallons and not say full the whole tank up. Supervisor Thomas stated he thinks we will end up with some estimates. He doesn't see how you are going to have, some things you are not going to have exact prices.

Supt. Bradley stated salt and he can't think of anything else.

Councilman Aldrich stated he would like to see something like this enacted but should probably do it slow. What is the first step in doing this? Ronda stated we would have to get that module for the accounting system updated. Supervisor Thomas stated that would be the best way because it functions with the system we have in place.

Councilman Aldrich stated in the mean time we could fine tune this where everybody could look at it and the next board meeting be ready to act on it. If we have to make a few adjustments weather Supt. Bradley has ideas or anybody else that has ideas then

Supt. Bradley stated the only issue he has is when you buy small items and you have to get a purchase order it would be crazy every town is having problems with that.

Whatever Thurman is using Pat Wood likes He isn't having an issue with his at all. Ronda stated they have the same system as the towns.

Supervisor Thomas stated we will leave it at that and let the people look at it and will give him time to draft up a different Procurement Policy and incorporate it into it and we can do it all at once, he will have more information about the module and an exact price and go from there.

Councilman Ross asked if this was pretty much what they do right now? Supervisor Thomas stated no right now wing it. On the Procurement Policy it is \$1500.00. He has gone by that if he gets something over \$1500.00 he gets three prices. He's only done that a couple times. Councilman Aldrich stated what he thinks to start it there will be a few bumps in the road but after a while it will come second nature he would think.

Supt. Bradley stated the highway guys always get quotes, they are stingy and they don't want to buy anything unless they have to.

Supervisor Thomas stated we need the receipts, we've been paying off statements, but need the receipts. Supt. Bradley stated he keeps the receipts, they are kept in a box at his office. Supervisor Thomas stated they need to be stapled to the voucher, Supt. Bradley stated he keeps them in a box because he can't get into the records room so if he has to go back, he makes copies of everything. Ronda stated the Comptroller wants them attached to the vouchers. Supt. Bradley stated that isn't a problem.

Councilman Aldrich stated he would like to see it up and running so everybody knows what's going on. We started on the right foot lets keep it going.

Committee reports:

Highway:

Councilman Aldrich stated that Supt. Bradley reported they have a truck that has a broken or cracked frame, Supt. Bradley asked Supervisor Thomas if he looked at it yet, Supervisor Thomas stated no he hasn't. Supt. Bradley stated Frank mentioned it to him because he mentioned about buying a new truck and then Frank mentioned it because that is the one that had a cracked frame and when he got back down there he looked at it. Bill Cameron uses that truck Scott takes care of it. There is a crack in the frame above the spot where they welded, the last time they had welded, the other side is cracked between the two leaf springs a major crack. Obviously it's going to be welded. The salt is getting down there and spreading. The truck has been taken care of. Anybody that goes into that shop as far as salesmen they are always saying you guys have nice equipment they don't believe how old that truck is. If you bought a truck now you wouldn't have to buy another one for at least seven years. You would have to keep it seven years anyway.

Councilman Aldrich stated this would be something we bought under contract now but you wouldn't take until next year. Supt. Bradley stated six months. He just threw it out to Frank it's about \$200,000.00.

If we bought it last fall we would have saved like \$14,000.00.

The particular box like we normally get, flow'n'dump, that price went up \$14,000.00 just for the box. Now they have a new box out it's rounded and the bottom is sealed so nothing can get up in there and its \$14,000.00 cheaper.

Supervisor Thomas stated we have some money but he thinks it would be his opinion that we finance some of it. He knows we want to pay cash and avoid the interest. In the current circumstances with the State out of money and the County out of money things roll down hill for the things next on the list. He wouldn't deplete all of our cash we might need it.

Supt. Bradley stated it takes a while to do that and build it, that is why he is bring it up now, you wouldn't get it before Fall even if you ordered it today. It takes time to do that. As of anytime it could go up, the price will probably go up \$10,000.00 next year. It's been jumping \$10,000.00 each year.

Supervisor Thomas asked what is on State Contract, are all of them on State Contract.

Supt. Bradley stated Mack, Western Star, there is OGS (NYS Office of General Services), and State we are on OGS. There is no more Sterling. International is on State Contract.

The problems we run into are the plow and the body. That's where you run into problems. Some of them are not on State Contract. That is an issue it all depends on who you go with. Some are included some aren't. We can go cheap but that's not the way we've been doing because we keep them so long. Two prices he just quoted out Western Star and Mack are around 3. He doesn't know if the County has been buying or not. Supervisor Thomas stated the County bought a bunch of vehicles last year and he thinks they bought Sterling. Supt. Bradley stated Sterling went out of business and CAT is no longer producing engines either because of the emissions. The red truck uses so much fuel because it has to burn off, it shoots fuel into the exhaust and it burns off so it comes out clean. Urea tank goes into the exhaust and that makes it burn cleaner you have to have a separate tank for that you can't get it below freezing and can't get it to hot. The Cummins has it down pat where you don't have to have that much stuff, its just more stuff to go wrong.

Councilman Aldrich asked Supt. Bradley to get some prices, figures and then see what we have for money and try to budget some. Supt. Bradley stated to get what we have it will be around \$200,000.00. They make wider plow frames, you can go 10 foot is a little cheaper then the ones we have they are heavier.

Supervisor Thomas asked if he priced the Volvo's. Supt. Bradley stated yes he priced the Volvo when we bought the other one. The trouble with Volvo you have to go with tandem pumps.

No he didn't price them recently but there is a lot of stuff, it isn't a bad truck but it's not a rugged truck. Warrensburg has two of them and they love them. At one point he did price them and they were around the same as International, the red truck, they were about the same. He will look into that also.

Supt. Bradley's line of thinking was, and you can go either way you want.

He figured a truck would be next whenever it is and then in his opinion you should rotate the loader out, the CAT, to remind you if you buy a truck you still can, whatever truck you use, you sell, like the single axle at the minimum \$10,000.00 you should get out of that. So that is \$10,000.00 we should be returning into that at some point. The 1986 single axle that's in good shape so that's money coming back. The 1986 loader the 936 everything is rusting, we just put brakes on it, it's a good machine but his idea would be to replace the loader, put the John Deere into that spot and then sell that 936, we should get about \$20,000.00 for that. His idea is to the truck and then the loader next. You wouldn't have to buy a truck for another seven years. We're almost up to par to where we need to be. Unless you want to talk about the grader but it is not necessary to do that it isn't a necessity. Supt. Bradley stated that is he's plan. Supervisor Thomas stated that makes sense.

Supervisor Thomas reminded the Board that there are still two vacancies on the Board of Assessment Review. The pay is \$8.00 an hour.

Supervisor Thomas also stated the Board should think about the brush at the landfill again. Spring is going to be coming here the next couple of months and people are going to be wanting to take brush down there. He doesn't know what we are going to do, we are going to basically let people know they can't bring it to the landfill. They will have to build fires on their own property. There was a meeting for that in New York City and basically unless we can get the Legislators to change it they are not going to change it.

Cemeteries:

The VanAuken Cemetery we should consider some rules for that. Rules for Glassbrook Cemetery were given to the Board members. We should set up some basic operating procedure for that cemetery if there is space available, which we will find out as soon as the snow leaves. That way if anyone comes to us and wants to be buried up there at less we will have something at the town level not just wing it.

Carol Lagrasse stated there is a Cemetery Book that Russ Sayre made and when she was on the Cemetery Committee on the town board she prepared a record keeping system on cemeteries but a particular town board member didn't want to systemize anything so there were no records entered but we parallel on the information on death certificates not all the information would be there but the information that people might want for legitimate geological purposes to locate people.

The other thing she tried to do for the new cemetery, Brewers Funeral Home was willing to map it out. She has records of Mr. Sayre's and other of various cemeteries in town and has copies if the town would like them. Supervisor Thomas stated that might be helpful to us and would appreciate it. Supervisor Thomas stated the Glassbrook Cemetery that was

mapped out, in fact three or four years ago Harold and himself changed the cow tags to aluminum caps so there are 500 plots that are mapped out.

Mrs. Lagrasse asked if there was a record book of who is buried up there. Supervisor Thomas stated yes.

New business:

Supervisor Thomas stated he received a letter and a copy of a resolution proclaiming April 18-24th, 2010 as National Volunteer Week in Stony Creek.

051-10. A resolution was made by Supervisor Thomas seconded by Councilman Aldrich WHEREAS, the entire community can inspire, equip and mobilize people to take action that changes the world; and

WHEREAS, volunteers can connect with local community service opportunities through hundreds of community service organizations like Hands On Network affiliates and volunteer centers; and

WHEREAS, individuals and communities are at the center of social change, discovering their power to make a difference; and

WHEREAS, during this week all over the nation, service projects will be performed and volunteers recognized for their commitment to service; and

WHEREAS, the giving of oneself in service to another empowers the giver and the recipient; and

WHEREAS, experience teaches us that government by itself cannot solve all of our nation's social problems; and

WHEREAS, our country's volunteer force of over 61 million is a great treasure; and

WHEREAS, volunteers are vital to our future as a caring and productive nation; and

NOW, THEREFORE WE THE STONY CREEK TOWN BOARD DO HEREBY PROCLAIM APRIL 18-24, 2010 AS NATIONAL VOLUNTEER WEEK IN STONY CREEK, NY, and urge my fellow citizens to volunteer in their respective communities. By volunteering and recognizing those who serve, we can replace disconnection with understanding and compassion. Signed this 23rd day of February 2010.

Roll call vote, all in favor.

052-10. A resolution was made by Councilman Ross seconded by Councilman Gill authorizing the posting of town roads in the Town of Stony Creek at the Superintendent of Highways discretion as in the past. Roll call vote, all in favor.

Supervisor Thomas reported that at the NYS Association of Towns in New York City, the Department of State had a booth, which was information of unclaimed funds. He checked Stony Creek and then checked the people in Stony Creek and there are about 64 people in Stony Creek with unclaimed funds. Several have past away but still unclaimed funds.

There is a brochure which explains how to find out if you have unclaimed funds.

Councilman Gill asked about the stop signs or slow down signs to protect that corner a little bit that by the recreation field.

Supervisor Thomas stated yes there are "Children at Play" signs up.

Councilman Gill asked about the getting speed signs that blink that tell them how fast they are going.

Supervisor Thomas stated yes, that's something we should do. We talked about it two three times and he will get some prices and pick a couple good locations on where to put them.

It's not going to cure it but maybe it will help.

From the floor:

Carol LaGrasse stated back in December, a year ago there was a public hearing in Glens Falls and it was about the Nature Conservancy and the funding it needed to carry over the buying of Finch Pruyn property and she organized a protest, the hearing was sponsored by the Colorado Educational and Cultural Authority to help the Nature Conservancy buy land in New York. When she talked to the authorities out in Colorado they said they never had a protest or any objection. The part of the hearing that has long-term meaning was her husband Pete's statement. It was about some of the land the Nature Conservancy acquired and at the present time those lands had been sold to ATP, which is a company in Denmark that holds a base in New York. These lands are the lands that are going to become ultimately publicly continued to be managed for timber, but the conservation easement be sold to the State of New York. However right now the State doesn't have any money to buy the conservation easements. There is a lot of money involved. So the land is on sudden hold but they are owned by the Danish Firm and the Nature Conservancy has an option to buy a conservation easement on the land it used to own, it has a option to buy again a conservation easement and it acquires the conservation easement and flip it to the State of New York and what a conservation easement means is that the land could never be developed it would be very restricted on logging with the sustainability monitored but there would be no buildings. So to get back to the statement that Pete made, it is a mini-analysis of what would happen to a particular area of land in Stony Creek if land can never be developed. It so happens up on Hilderbrand Road and Mud Street there is a little strip of land it's a total of 20,000 something feet along Mud Street and Hilerdrand Road of Finch Pruyn land and these lands are slated to be an acquired conservation easement.

In Stony Creek there's 507 acres and if they were developed in the allotted 40 acre lot size parcels it would be 12 parcels that could be theoretically developed and in Thurman there is another 270 acres and they are very favorably zoned as is all the land in Thurman, which is prime land, they are zoned for 8.2 acres and 1.3 acres outside a little North on Mud Street. So the land was designated by APA as very developable land in Thurman, on Thurman Line. In Stony Creek you could get those 12 parcels.

What Pete felt was, that is a significant impact in the town as small as Stony Creek with so little land that is available for development, either because the State owns it or because it is so highly restricted.

So that was the presentation that he made, to show as a Town Assessor how in that land would be a great impact on our small town.

She looked at it and said to herself that is a significant thing to try to stop, it's right around the corner from where they live on Lanfear Road, she walked on that road and it is a naturally maintainable highway and why have it proposed from all future use which was once inhabited. She remembers talking to people that use to remember the days when it wasn't inhabited. So she thought the time has pasted when theoretically the DEC set a kind of regulatory thing out that there was so much time in which you could complain or say you wanted to veto this. This wasn't considered anyway, nobody that she knows of would really ever tackle that conservation easement, except for Black Brook up North, but Dec was lost over that where we could oppose acquisitions of conservation easements, so she wanted to ask the Town Board if the Town Board would consider to make a serious statement acquisition to stop the State from acquiring conservation easements on Hildebrant Road. This is an opportune time to do it because the State doesn't have a penny to buy land right now. They are closing parks so there is nothing happening, we can get our message across and it might have some legal significance. But it will be a statement about that particular part of sub-land in Stony Creek, it's 507 acres, which is a significant amount of land. If you read Pete's little statement some of the back land is really appropriate for conservation easements. There is a lot of road frontage to get 10-12 parcels altogether. That's what she wanted to present tonight Pete's little statement and also the resolution presented.

Councilman Ross asked who owns the land now? Mrs. LaGrasse stated a Danish Investment Company called ATP, actually the name they call it in the US is Upper Hudson Woodlands ATP, LLC. In US the office is located in Atlanta, Georgia and RMK Timberlands Group but owned by the Danish Investment Firm.

053-10. A resolution was made by Supervisor Thomas seconded by Councilman Ross to adopt the following resolution:

WHEREAS, the Town of Stony Creek has limited area for development because of State land ownership for the Forest Preserve and Adirondack Park Agency (APA) zoning restrictions,

WHEREAS, the Nature Conservancy (TNC) has an option to acquire conservation easements ("easements") on the former Finch Pruyn lands in the Town of Stony Creek and sell these easements to the State of New York, which would foreclose all future development on these lands,

WHEREAS, among these former Finch Pruyn lands, TNC has an option to acquire easements on 507.24 acres along Hilderbrandt Road in the Town of Stony Creek, with the publicized intention to sell the easements to the State of New York,
WHEREAS, under the APA zoning, this land would be allowed development of the level of 42 acres per house, yielding a total of twelve (12) dwelling units,
WHEREAS, if TNC were to acquire the easements on this land, which would prohibit all future development, twelve housing right units would be lost,
WHEREAS, in the adjacent Town of Thurman, where Hilderbrandt Road continues and is named "Mud Street," the land along that road under APA zoning is designed for a very significant area of development namely 3.2 acres per housing unit applied to the potential easement land (plus a single 42 acre parcel), and 1.3 acres to the immediate north,
WHEREAS, Hilderbrandt Road and Mud Street are maintained by the Towns of Stony Creek and Thurman and are, in effect, a connecting "through highway" linking the Town of Thurman and Stony Creek to roads that lead through these two towns to the rest of the state,
WHEREAS, if the easements contemplated by TNC on Mud Street in Thurman adjacent to the easements referenced above in Stony Creek were sold to the State of New York a total of 71 potential housing units would be lost,
WHEREAS, the potential loss of housing rights on land on Mud Street could effect the maintenance of the continuation of Hilderbrandt Road as it becomes Mud Street, effecting emergency and fire access and through traffic to Stony Creek,
WHEREAS, if the easements contemplated in Stony Creek on land on Hilderbrandt Road were sold to the state, the potential loss of housing rights in Stony Creek would have a significant impact on the tax base and the future of the town,
BE IT HEREBY RESOLVED, the Town Board of Town of Stony Creek is opposed to the acquisition by the State of New York of conservation easements in any land along Hilderbrandt Road and Mud Street.

Copies of this resolution be sent to: Governor David Paterson, DEC Commissioner Alexander Grannis, Senator Elizabeth Little, Assemblywoman Teresa Sayward, APA Commissioners, DEC Official Betsy Lowe, Town of Thurman, Warren County Board of Supervisors, Adirondack Association of Towns and Villages.

Councilman Ross asked if the Town of Thurman was approached?

Mr. LaGrasse stated that Dexter Baker told him it was a subject matter of a good part of the meeting last month in Thurman but there was no action taken. A resolution wasn't drafted for them, they were just simply talking about his statement on the proposed interest free loan and they were batting it around, only with that his wasn't there and no one else was there to present a resolution. They have much more at stake because there land is the 3.2 acres zoning we have the 42 acres zoning. Theirs are 3.2 acres, there are 70 lots there. He doesn't envision all those 70 lots being developed but with only 2000 feet road frontage both sides of the highway, considerable easy development on the upper portion of Mud Street where it is level it would be ideal. The thing that bothers him the most is, it's close to, that whole trunk of area in there that the APA designated for housing, for moderate and

low intensity housing and to stop it forever in this matter it sets a bad precedent, it's more like a principal of the thing. Look at this as an example of what they want to do at that point, then it's up to whether the Supervisor there would be interested in making a statement like this or just if it's a philosophy that you just want to get along. You don't get along with these people because the alternate goal is to wipe you out. He means that. They want to see a park that is not a mixture, private and public land but all public and inaccessible. It would go to no snowmobiles trails and nothing going on, remove the cell towers keep them out, Keep the forest ranger towers out, take them down so there is no sign of manmade activity within the park because the park, they want it to be a total court of unacceptable unused land. That's what the whole plan is. This statement that should be made by Thurman defiantly. Whether they understand that or not, he doesn't know how they're thinking.

Mrs. LaGrasse stated the thing is we had it here and didn't have anyone speak up there and make a representation up there. It is a nice thing to try to effect because all the land Finch Pruyn has, she would think that would be the most developable.

Attorney Cooper stated he likes Peter's argument. His first thought was like 3.2 acres the APA Act originally told Thurman, let them eat cake and then this thing coming along, it's like telling them there on a diet and they can't eat cake. But that doesn't really work in analogy but the argument, it wouldn't hurt to simplify it. Say to the APA, look you classified this for Thurman as well as Stony Creek so that there would be some residential development, this was the community development that was foreseen by the Act, we weren't happy with it then but then to have an adverse condemnation like this, where a private entity comes along and reduces twelve to zero it defeats the APA Plan itself, and if you spell that out to them out front you are going to have probably a better chance of catching their attention. You might even get a more than a couple commissioners to say we ought to take a look at this, that the Nature Conservancy transaction is in effect affecting the APA Act in a way we didn't foresee. Maybe we should take a look at that. Supervisor Thomas stated that is a good point.

Mrs. LaGrasse stated you can add it to the resolution but just to say that was the vision of the APA, those parcels and would affect and amend the APA Act and take away to make zero, that's crystal clear.

Attorney Cooper stated that's what peter said, he just would have said it a different way. Supervisor Thomas asked for Roll call vote, all in favor to the resolution.

Supervisor Thomas reported the Stony Creek Free Library will be holding a Book and Bake Sale at the town hall on Saturday Feb. 27th, 2010.

A motion was made by Councilman Ross seconded by Councilman Gill to adjourn the meeting at 8:32 PM. All in favor, motion carried.

Respectfully submitted,

Susan Harrington
Town Clerk