

February 9, 2010 Special Meeting

The Special Town Board meeting of the Town of Stony Creek was held on February 9, 2010. The meeting was called to order at 6:33 PM by Supervisor Thomas with members present:

Councilman Dale Aldrich

Councilman Harry Paul Gill

Attorney James Cooper

Absent:

Councilman Stanley Ross

Councilman William Liebl

The purpose of the meeting is our annual Settlement Day meeting where the Town Supervisor's books are here, the Tax Collector, Town Clerk and the Town Justice. This is our opportunity to look at these books, review them, audit them and give them our stamp of approval. We are also going to review the Investment Policy and the Procurement Policy.

Investment Policy:

Supervisor Thomas stated basically he re-typed it and kept it the same as before. As far as investments this past year, the years prior he has been getting 30 day Certificate of Deposits, the interest rates are better with the money in the bank accounts so it's been in the bank account the whole year. Right now it's about point 4%. That was about it for the investing, putting it in the bank account. A couple years ago we were doing pretty well with it. We made probably \$25,000.00 that one year.

043-10. A resolution was made by Councilman Aldrich seconded by Councilman Gill to approve the Investment Policy as written. Roll call vote, all in favor.

Procurement Policy:

Supervisor Thomas stated it's a disposal how we are going to secure bids if it's a public works contract in an excess of \$20,000.00 it should be put formally out to bid.

Estimated purchases of less than \$10,000.00 but greater than \$1500.00 shall require a written request or a proposal or written/fax quotations from at least three vendors. Less than \$1500.00 is left to the discretion of the purchaser.

The second page is the public works contracts less than \$20,000.00 but less than \$10,000.00 requires three quotes. Less than \$10,000.00 but greater than \$2000.00 requires two quotes. Less than \$2000.00 is left to the discretion of the purchaser.

Councilman Aldrich stated he has been working on some of this other stuff it pertains to this. He has talked to different towns and came up with some of their stuff that would be different with a voucher and purchase order system which after doing the bills for a number of years, he would like the board to look into this a little bit stronger, he thinks its something that shouldn't be neglected much longer. There are different towns he talked to on how they do it on purchases under \$300.00 there is a voucher or purchase order and from \$300.00 to \$1000.00 there is a purchase order that has to be co-signed by the bookkeeper. He would like to purpose this at the board meeting.

He went to different places to get these different forms and shown them to Supervisor Thomas at different times before. After doing the bills and looking at this over and over again, he thinks we ought to really initiate something like this. Supervisor Thomas stated he doesn't disagree. Councilman Aldrich stated it will be more work on everybody's part but will close some loopholes that we've been failing to address. Supervisor Thomas agrees. Councilman Aldrich stated he doesn't know how you want to pursue this as far as this here at the Settlement Meeting. This is a law, it has been initiated for years and certainly a long way from done, but it's a step in the right direction. He would like to bring it up at the board meeting when there is a full board here or whatever is the best way to do it. Supervisor Thomas stated it would probably be better at a regular board meeting. It doesn't matter we can do it right now as far as that goes. Legally there is three of use here but we can still approve this and amend it at the next board meeting or we can wait until the regular board meeting to make that part of this. You don't have to do it all at the same time. He doesn't see where it makes much difference, He knows we talked about this several times, looked at it several times, he doesn't disagree that it needs to be done, but we have to layout the rules to it too. Who can sign for the purchase orders because the Supervisor's Office will have to sign for them in one form or another before the stuff is purchased and the limits. \$300.00 is, that would probably work. Copies of what Councilman Aldrich has will be made for the board members by the board meeting. He doesn't see why we couldn't approve that, the one we have because we can amend it at anytime. Councilman Aldrich stated then get copies in a more presentable state then bring it to the board, it's new business and don't let up on it, get it done. He knows its more work and it's going to cause a few problems here and there but thinks it's got to be done. Supervisor Thomas stated ok, it sounds good to him. Do you want to move on what we have here then we will have something printed for the next board meeting. He knows there is a module that goes along with the accounting system that they have, that directly incorporates purchase orders right into it so when the purchase orders issued it comes right off the account as soon as the purchase orders issued.

044-10. A resolution was made by Councilman Aldrich seconded by Councilman Gill to accept the procurement policy as it is and go with this voucher/purchase order at the next board meeting. Roll call vote, all in favor.

Fodder Road:

Supervisor Thomas stated a couple weeks ago a fellow by the name of Kurt Cogan, a Forester that represents a logger and some property on Fodder Road they have a right of way to get to the property however, they don't have anyplace to load their logs and they were requesting the use of the towns right of way to load their logs on to the log truck. He knows Supt. Bradley has talked to Attorney Cooper about it and he has talked to Supt. Bradley about it. Supervisor Thomas stated his opinion of it, he thinks there is a problem there between the property they want to lumber and with the person that owns the other property. We have a 50-foot right of way or a 49½-foot right of way and in theory they might be able to do it, but he thinks we will end up in an argument between the logger and the other property owner, he thinks they have been already. He told him he would bring it in front of the board, we had a board meeting tonight and would bring it in front of the town board. Maybe Attorney Cooper can elaborate a little bit.

Attorney Cooper stated he is a little concerned that we address, make a resolution to the issue tonight without Supt. Bradley being present because we would like to know from the Highway Supt. what the actual use of Fodder Road is in the vicinity that could effect the determination we make, but if the board does want to go ahead and pursue it, he will tell you tonight what he will say in two weeks, that the position that he has always taken as the Attorney for the Town is that if it's a designated town road, its three-rods wide which is a little over 49½ feet, that haven't been said. Supt. Bradley called and explained there is a disagreement between the owner of the land where the right of way crossed and the owner of the right of way which has land locked property, he wants to log the land locked property and is unable to come to terms with the owner of the land it crosses by the right of way to establish a header on his land. So he has come to the town and said can I establish a header in the Fodder Road right of way. He thinks there is nothing unlawful, your just allowing them to use the portion of the public highway that we own but from particular standpoint which is where legal advice ends where the board has to use wisdom you've got to understand it at most our right of way up there is 49½ feet and half of that is 25 and within that 25 you still have to maintain half of the tread traveled and how much room does that leave you for a header. Then you have the issue of what if the guy who built the header spilled back over onto the other gentleman's land and you get into a push and shove about where our right of way is and where his land ends and also there is the issue of the passage of people on Fodder Road where a public highway while the header is active operation and the danger it might create them if the shoulder is occupied by a stack of logs. The last issue he brings to the boards attention is you have no guarantee if this logger is going to leave the site as he found it. Headers can be a real mess, the ditches could be ruined, they can be filled with sawdust and bark and if all the guy is going to give you is a handshake that he will restore it to the way it was. I don't see any reason why he can thumb his nose to the town and go on to his next job. If we required him to get a bond that would be one way to address it. But probably asking a logger for a bond would be completely foreign experience or not he doesn't know. These are the concerns he has. And the first one is should we be discussing this here tonight without the public present and without Supt. Bradley here to give his information on what he knows about it.

Supervisor Thomas stated absolutely this is an open meeting, if the public don't show up that's not his problem. Attorney Cooper asked when you called this special meeting was this indicated as one of the items that would be on the agenda. Supervisor Thomas stated no it wasn't but that's here or there. A board meeting is a board meeting anything could be bought up at a board meeting. Attorney Cooper stated here is the thing perhaps you should resolve it tonight then because what have you got another month before mud season sets in. Supervisor Thomas stated yes, that seem to be their concern they wanted to lumber when it was frozen. He doesn't think we should do it. He thinks we are going to get ourselves in a pickle with the property owner and there obviously a problem between the logger, the forester and the property owner because these folks have an attorney and they have a letter from the attorney to this property owner and back and forth and it's something the town shouldn't get involved in.

Councilman Aldrich asked if we know who the landowners are. Supervisor Thomas stated yes the property to be lumber is Vanderwalker Property and Cappelli, however it's just a right of way they can't establish a header along the road.

That's what they told Supervisor Thomas. Councilman Aldrich stated they are planning on getting the wood down the right of way to the town road and loading it there. Supervisor Thomas stated the way they talked they wouldn't be skidding they have a something to carry it there with. Councilman Aldrich stated he would almost have to abstain from it if he voted on it because he is in the business and he knows the property, he doesn't know the people but it's something he knows the town shouldn't be involved in. If it was an opened field and the town owned it and if it was a piece of land and the town owned it, it would be a different thing. But on the right of way Attorney Cooper said it was 50 feet wide and there are to many safety issues there plus the residue and everything else from logging and the wood. Councilman Gill stated if they damage the roadway we are responsible to fix the roadway. Attorney Cooper stated that's right, they could degrade the edge of the road and walk away from the job. Supervisor Thomas stated to him if they can get it to the main road then they can drive down the road maybe there is someplace else they could locate. Councilman Aldrich stated there has to be adjoining landowners there other then the landowner. Supervisor Thomas talked to Supt. Bradley and he didn't think it was a good idea, he doesn't want to speak for him but that is what he said. Councilman Aldrich agreed, we shouldn't be doing it either and asked if Supervisor Thomas wanted it in form of a motion. Supervisor Thomas stated no unless we want to do it otherwise he will just tell no. They will have to work it out.

045-10. A resolution was made by Councilman Gill seconded by Councilman Aldrich authorizing the Supervisor to sign the senior busing reimbursement contract with the Warren Hamilton County Office of the Aging. This is a 50/50 reimbursement up to \$1680.00. Roll call vote, all in favor.

046-10. A resolution was made by Supervisor Thomas seconded by Councilman Aldrich **TO SUPPORT THE CONSTRUCTION OF A FOUR-LANE HIGHWAY IN ST. LAWRENCE, FRANKLIN, LEWIS, JEFFERSON AND CLINTON COUNTIES WITH SPURS TO MASSENA, OGDENSBURG, LOWVILLE AND PLATTSBURGH.**

WHEREAS, the economic development impact analysis has measured the value to the regional economy of efficiency gains through user benefits such as reductions in travel time, reductions in operating costs and reductions in accident due to improved safety and **WHEREAS**, the gains through increased social and economic development opportunities due to improved transportation access will reduce unemployment rates, reduce government transfer payments such as social welfare and unemployment insurance, and increase employment in the region and

WHEREAS, the transportation improvements can enhance access to labor, customer, tourism and supplier markets as well as to intermodal transportation facilities, making the overall region more attractive to transportation-dependent industries and

WHEREAS, our elected New York and Congressional representatives can be assured that the Town of Stony Creek adamantly supports such four-lane highway construction, **NOW THEREAFORE BE IT RESOLVED**, that the Town of Stony Creek urge New York State Acting Commissioner of Transportation, Mr. Stanley Gee, to cooperate with local transportation taskforce groups to support the construction of a four-lane highway

within St. Lawrence, Franklin, Lewis, Jefferson and Clinton Counties with four-lane spurs connecting Massena, Ogdensburg, Lowville and Plattsburgh, **BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to Jason Clark, Director of Economic Development and Chair, Northern Corridor Transportation Group. Roll call vote, all in favor.

047-10. A resolution was made by Supervisor Thomas seconded by Councilman Gill authorizing the Town Clerk to attend then NYS Town Clerks Association in Saratoga Springs April 25th-28th, 2010. Roll call vote, all in favor.

Supervisor Thomas stated this is settlement time of the meeting and the opportunity to look over the checking accounts and receipts of the Town Officials.

Supervisor Thomas received a request from Cassandra Carlton asking permission to use the town hall on February 14th, 2010 from 10:00AM-2:00 PM for a Birthday Party.

A motion was made by Councilman Gill seconded by Councilman Aldrich authorizing Cassandra Carlton to use the town hall on February 14th, 2010 for a Birthday Party. All in favor, motion carried.

Annual Audit of Town Officials Books:

048-10. A resolution was made by Supervisor Thomas seconded by Councilman Aldrich The Stony Creek Town Board have audited the Town Justices 2009 documents and bank accounts and found them to be in order. Roll call vote, all in favor.

The Town Board did an audit of the Town Official's books: Supervisor, Town Clerk and Tax Collector and found all records to be in order.

A motion was made by Councilman Aldrich seconded by Councilman Gill to adjourn the meeting at 7:03 PM. All in favor, motion carried.

Respectfully submitted,

Susan Harrington
Town Clerk