

March 16, 2010

The regular Town Board meeting of the Town of Stony Creek was held on March 16, 2010. The meeting was called to order at 7:02 PM by Supervisor Thomas with members present:

Councilman Dale Aldrich

Councilman Stanley Ross

Councilman William Liebl

Councilman Harry Paul Gill

Attorney James Cooper

February 23, 2010

Carol LaGrasse requested correction be made on pages 170-173.

A motion was made by Councilman Ross seconded by Councilman Gill to accept the February 23, 2010 minutes with corrections. All in favor, motion carried.

054-10. A resolution was made by Councilman Ross seconded by Councilman Aldrich to pay the General Fund bills in the amount of \$6874.04. Roll call vote, all in favor.

055-10. A resolution was made by Councilman Liebl seconded by Councilman Gill to pay the Highway Fund bills in the amount of \$18,396.81.

Discussion: Tifco bills craftsman's tools-Supt. Bradley stated we apparently no longer have a Sears account so nobody sells Sears no more, Craftsman, he has to go to another vendor, which is double the money basically. We have all our tools mostly in it's own little rack so they are replacements for the lost ones over the years. There were different sockets. They were warranted but we didn't have them. There was a couple that was warranted but most of them are lost that's why he had to go there to get them. His next bet would be to go to Wallace and that's going to be more money then that to buy tools and he knows the Board is seeing a lot of bills for tools and for info an example, he watched Scott the other day. We bought a set of picks for \$80.00 along with other things they bought and he watched Scott fight with a spring on the truck that about took his head off with a spring. So he starts seeing that stuff and it's not safe and they shouldn't have to work that hard to do something when there is a right tool for the job.

Nobody asked him about the rest of the tool bills but you know when you see them instead of complaining about them he wished someone would ask he would explain to you why he is buying tools. There are specialty tools they need. Last month there were tools also from Wallace. Wallace makes good tools but Craftsman is just as good. They're other ones out there but we no longer have a Sears account so that is why he has to go to Tifco. Fastanal use to carry Sears and so didn't Wallace but they no longer sell Craftsman so we are limited to this one guy. He won't buy anymore craftsman tools because we don't have account. That's why that bill is so high it's double money where he would had bought it at Sears. When you see \$8-\$10.00 for a small socket that's a lot of money. But it fit's the set we already have we are just missing these sockets. Roll call vote, all in favor.

Town Clerk report:

Copies	<u>1.00</u>
Total town Clerk fees	1.00
Dog licenses	<u>19.13</u>
Total town revenues to Supervisor	20.13
County Treasurer for dog licenses	<u>5.87</u>
Total disbursed	\$26.00

Correspondence:

Dog Control log for February 2010

NYS Office of Parks Recreation and Historic Preservation-informing that the Methodist Episcopal Church has been listed February 17, 2010 on the National Register.

Robert Brooks IV- permission to use the Town Park on June 12, 2010 for a wedding and reception.

Ronald Bordeaux-permission to use the Town Hall on April 17, 2010 for a Birthday Party.

William Bormann-letter written to Mr. Bormann on September 5, 2003 from the NYS Dept of Transportation regarding speed limit reduction on States Road and States Road East. Asking the town board to pass a resolution for a speed limit investigation.

NYS Dept of EnCon-Elizabeth Lowe on behalf of Commissioner Grannis receiving resolution no 053.

Letters of interest from Thomas and Valerie Cutler to fill the vacancy on the Board of Assessment Review.

Item I Agreement- paving 2 miles on Lens Lake Road leading to States Road East.

Paving 2 miles on Lanfear/Murray Road leading to Thurman Line.

Discussion: Supt Bradley asked what is the purpose to filling out the Item One Agreement?

Supervisor Thomas stated the purpose is the Town Board appropriated \$100,000.00 and you are telling the Town Board where you are going to spend it.

Supt. Bradley stated so does that mean he needs permission to still borrow if he needs a load of blacktop over \$1500.00 as it stands right now before the purchase orders. Do I have to come to you to get permission even if you guys are saying go ahead and fix that road with whatever money we just allowed you to fix. Is that agreed that the Town Board is giving him carte blanche to fix that road within them funds. Supervisor Thomas stated yes, he would say so.

Supt. Bradley stated so basically if that was signed last meeting. By him buying that stone the board couldn't say anything about it. You could question it but could you have said no because it's over the \$1500.00, you didn't give permission.

Supervisor Thomas stated this is referring to blacktop.

Supt. Bradley stated General Repairs is not but the blacktop is. The Permanent Improvements include culverts, shoulders, stone dust, bridges and wood, whatever you need to fix that.

Supervisor Thomas stated he thinks this is the \$100,000.00 the Capital Improvement portion of the budget.

Supt Bradley asked what is the General Repairs section on there for. One is going to be your Capital Improvement, the other will be General Repairs in the sum of \$100,000.00 he was wondering he wants to be clear on what that says.

Basically the PO (purchase order) system is not going to apply to that or is it going to only apply to machinery and DA5140.2 or apply to DA5130. Supervisor Thomas stated it's going to apply to everything. Supt Bradley stated why do we sign the Item 1, he doesn't understand why we even bother. Supervisor Thomas stated we bother because, Supt. Bradley stated he knows we have to.

Supervisor Thomas stated pursuant to Provision of 284 of the Highway Law we agree that the money that is levied and collected in the Town for the repair and improvement of Highways received from the State Aid, which is CHIPS money for the repair and improvement of Highways shall be expended as follows: Supervisor Thomas stated he thinks it is mainly the paving. He does know it has the General Repairs in it. Supt. Bradley stated he just wants to find out exactly what the take is on that.

Supervisor Thomas stated it says the General Repairs is \$66,000.00. 39 miles is all the town roads. Supt. Bradley stated exactly. Right.

Attorney Cooper asked if he had a statutory duty to submit a list to the Town Board of the roads you are going to work on this summer. So maybe that is what that is.

Supt. Bradley stated yes, but what he is asking is the numbers that he has just given you, you guys just gave me permission to spend that.

Attorney Cooper stated your saying do I view this as my budget and I can spend anything I want with it within my budget or do I have to continually itemize everything I buy even though it appears that I have a budget to spend the money. Supt. Bradley stated not itemize but so I have to get prior permission above the \$1500.00 to spend. Attorney Cooper stated he thinks that is what they will be talking about in a few minutes when they get to the Procurement. He can't answer that it will all depend on what the Board, he guesses you will do what the Board says you have to. But it looks like another layer of paperwork for you if that's the case.

Supervisor Thomas stated he always looked at this as the agreement between the Town Board and the Highway Superintendent as to what roads will be paved. Supt. Bradley stated, right. Supervisor Thomas stated it is pretty much what it relates to.

A motion was made by Councilman Gill seconded by Supervisor Thomas authorizing Robert Brooks IV permission to use the Town Park for a wedding and reception on June 12, 2010 and Ronald Bordeaux permission to use the Town hall on April 17, 2010 for a Birthday Party. All in favor, motion carried.

Supervisor Thomas would like to congratulate the Stony Creek Free Library on achieving a Historical National Register designation on the Methodist Church here in town. He thinks this is quite an achievement and we should be proud of that.

Supervisor Thomas stated we have a letter from Mr. and Mrs. Cutler to serve on the Board of Assessment Review. We currently have two openings.

056-10. A resolution was made by Supervisor Thomas seconded by Councilman Ross appointing Thomas R. Cutler and Valerie C. Cutler to fill the vacancy on the Board of Assessment Review.

Discussion: Councilman Aldrich asked if there would be anything that would be a conflicting interest with husband and wife sitting on there. Supervisor Thomas stated he wouldn't say so. Attorney Cooper stated he doesn't see it either. Maybe it's a judgment call you might consider instead of having an x number of Assessors of Review in the matter but your actually it's one less then that because you expect the husband and wife to agree but he thinks it a legal fiction that husbands and wife's agree. Supervisor Thomas stated these positions have been vacant for quite a while. Roll call vote, all in favor.

Old Business:

Supervisor Thomas stated Attorney Smith and Simon last month we had a letter and said they would like to be put on the agenda regarding the logging on Fodder Road.

Attorney Simon stated he understands that some sort of application has gone in requesting the header along side Fodder Road and he has been thinking of it as sort of the logs sitting there quite a while and that is not what Kurt was asking for and wanted to clarify what their request was about and see if they could get a line of what they are asking for and maybe it would work or not.

Kurt stated the plan is a harvesting machine and the logs aren't skidded down the road like a normal skidder they are pick up off the ground and there up in the air and the machine comes down and out to the road and then it would stack logs along the town road and the town right of way and be there less then 12 hours. The truck would show up and pick them up and keep going. They do all the bucking of the logs in the woods on the mountain. It's kind of like a drop off station when 4-6-8 hours until a truck comes up and picks them up and takes them away. It's more or less a stock piling area. You wouldn't have logs there on days on end. It's more or less a stocking point, final goal. Attorney Simon stated a parking lot. Kurt stated yeah.

Supervisor Thomas stated we understood that.

Attorney Cooper asked how do you orient these logs when you stock them are there butt-ins perpendicular or Parallel. Kurt stated whatever the town road agency or Supervisor would let him do. The logs are 8 to 12 feet long. Attorney Cooper stated that was his next question.

Attorney Cooper stated when this matter was discussed by the Board we talked about the practical problems of doing this and the position that he always recommended to the Town was if it's a town road that it is three rods wide which would be 49 and a fraction feet and he doesn't know how much of the Fodder Road in this vicinity is actually used as highway. Supt. Bradley stated 21 foot. Attorney Cooper stated if you start dividing by two we would only have 25 feet to work with on that side and if you subtract ten and your down to fifteen feet and you start to run out of room. The other problem we discussed is these are town roads by use so they have never been surveyed we don't know exactly where the center of the road is and if you get into a disagreement with this person over whom you have the right to cross, we are going to get dragged into it because it will become an issue as to where the center line is and where you start measuring to the side. The other things we discussed were the safety issues even if they are only there for six hours, if someone skids off the road and runs into you log pile, if they skidded off the road and slams into a tree that's one thing but if the condition of the land has been altered artificially then the town might have liability and we might be drawn into a lawsuit even though we have insurance but we might not necessarily want to go to deposition and that kind of thing and then the last thing that was discussed to his recollection was damage to the road and cleanup and even though your not sawing at the header, there is still going to be bark issues and some

debris and what's going to clog the ditches and cause water to be diverted out in the road and damage it. Those are the issues he thinks the Board had rustled with and when they discuss this with all things considered it seems like well it's a tuff break for you that your having a dispute with the neighbor about where to locate the header but it's not really, we don't have a dog in this fight and it doesn't seem to be an up sight for us. So that is the summary of what came before perhaps other Board members would like to supplement what he just said or ask questions to address the concerns he just raised.

Kurt stated it's a situation that if it comes to the plan that's just not working we'll just have to attack a different root on how to harvest the timber.

Kurt stated the location of where we wanted to put the lot, the road easement comes out beside the border of the property so we were hoping to put the logs on the next parcels which is the next parcel northeast which is a vacant piece of land to avoid a problem with the neighbors.

Attorney Cooper asked if he had the consent of that property owner. Kurt stated one of the things he has been discussing is to do that. Attorney Cooper it doesn't seem like a solution until you come here and say it's ok with that property owner on the north to do it that way. Kurt stated even it was to be an easement? Attorney Cooper stated no if you have an easement on one of those people you might not even have to have. Attorney Simon stated what we wanted to do is stack the logs in the right of way and the question was is that allowed from the town's standpoint and he guesses you are telling him unless he has a easement over the same property that the right of way alone is not sufficient to give them their request. Attorney Cooper stated are you talking about the town's right of way or yours. Attorney Simon stated yours. Attorney Cooper stated he thinks we still come up with the same problem of running out of enough measurement. Attorney Simon stated he got that, he's not arguing with the measurement he was more asking, he asked Kurt if there was enough room. Kurt stated it's a situation where it wouldn't be like a thousand logs, it will be forty-fifty logs that will go on one truck and as soon as those forty-fifty logs are picked up another forty-fifty logs, a truck everyday. You wouldn't see the same log there two days in a row, constant rotation. As far as the roadway is concerned it's not a huge project in the number of logs staying there. It's not a big header with a million logs laying around it's a very small area so maybe 10 feet will be sufficient for their needs. The parcel to the north end they will talk to the person to the north but it's a vacant land and there's nothing there so it may not be an issue in terms of access.

Attorney Cooper stated to answer your other question if you stack logs off of the towns right of way within the bounds you have, it wouldn't be our concern and don't know if they can be loaded by that spot. A lot of people cross the town right of way to get to their logs from a header to load on to a truck. Kurt stated so they can be in the town right of way.

Attorney Cooper stated no he didn't say that he said they could be in the private right of way that you have on the other property if you work those details out. Attorney Cooper asked Supt. Bradley when he has other logging operations they have to cross the town's right of way to get to there headers and load so it doesn't seem to him to be an issue unless you have road degrading to the edge of the road or a culvert needed to be constructed or something. Supt. Bradley stated one issue he had is he doesn't see how that is no different then if you guys had a piece of property and the town wanted to stack something in your yard you wouldn't like it. If it's the towns land we do what we have to keep the road going but technically it is their land. There paying taxes on the piece of land and if they are saying no, then they are saying no. Am I right, wrong?

Attorney Cooper stated it's a different issue they may have a private fight with this person about use of the right of way whether that includes the right to stack logs on it or not he doesn't express an opinion about that right now. But your saying there is an ecstatic issue here even if we were to go ahead and give them the permission this guy is looking at a logging activity off the edge of his property. Supt. Bradley stated right. Attorney Cooper stated he thinks this should be added to the list for consideration. He doesn't know how much weight the board wants to give it. His question to Supt. Bradley was, any logging operation for them to get to a public highway they would have to cross our right of way at some point don't they? Supt. Bradley stated yes. Attorney Cooper stated so if their header is back in 50 feet and they built some kind of a road for the truck to get back in there to load they still have to cross our right of way to get to our road. So that doesn't make, this isn't exceptional in this respect at all. So if they could find some place else to store the logs on this mans property and find some way to access our road with out breaking down the shoulders and stuff he doesn't think the board cares. Supervisor Thomas stated he would think so.

Joe Vanderwerker asked to speak and give a little history. He is the one who takes care of the property. He got involved with the property 32 years ago, he use to belong to the Dog and Pup Club back in the 70's. When the State wanted to take a lot of the property around here they were after the Dog and Pup Club and he was looking for some property and from this property and been there ever since. When he brought that property there Jim Magree was logging it at the time and he had the header down near Mr. Cappelli's place. He had to put money down on the property to stop him from logging it because he didn't want him to take all the timber out of there. So as the years went by there were two other owners before Mr. Cappelli that he has dealt with this property, it is a deeded right of way. He has used this right of way with his auto's with no problems whatsoever and two years ago we started having ice storms he lost a lot of tree tops to the ice. There is still a lot of trees bent over. Jim Farrar use to be the forester and he passed away and he didn't have anybody to come up and look at the timber and give him an estimate of clearing it out and select cutting it and what he should do with it. So he is losing stuff, it's dropping faster then he can take care of it. He ran into Kurt and he came up and cruised the area and said he had some nice stuff here, the tops are damaged and if he doesn't get the stuff out of there he will lose it. It's time to harvest it, send it out, and manage the timber. Kurt got in touch with Mr. Cappelli and Mr. Cappelli was on board with using the previous header and Kurt got a call back that day. Mr. Cappelli's wife was upset with what was going on because they came up. Mr. Vanderwerker hasn't been up since they started the logging on the corner of Roaring Brach and Fodder road. They were upset about it. They didn't want the same thing happening on their property. He couldn't understand what was going on until he came up here and saw what was going on. They are raping the land. He doesn't know who those loggers are I wouldn't want to have them work on my land and thinks something should be done about that.

Supt. Bradley stated one of the landowners love it. It is a crappy operation. Mr. Vanderwerker stated that is what scared Mr. Cappelli and his wife. There is a skidder that's burnt up and that was mentioned to him in one of Mr. Cappelli's e-mails.

Attorney Cooper asked if any of his property, does he look up a side of a mountain and that is your property. Mr. Vanderwerker stated it could be he doesn't know.

Attorney Cooper stated he is thinking to himself why would he care about what you do where he can't see it. Mr. Vanderwerker stated he thinks he is concerned about the header so they said ok we won't use the field as a header, he explained its been used twice that he knew of. The Goodman Brothers used it and when Brian Johnson owned the property. So it's been logged

twice. Mr. Cappelli asked Mr. Vanderwerker when his cruiser came up to have him cruise his property too, to see if there is timber to be taken out of there because he has kids in college and he can use the extra money. So we were on board with all of this then this all came down so we said we wouldn't use the header and use the property up ahead as a header and it's over a ½ mile away. He wants to harvest timber his problem is getting to from the property to the road, to the truck. They ran into a problem with Mr. Cappelli so what he did is he went to Mr. Johnson who is the next property west because there is established log road there. If we could use his log road and come down and bring it down that way. He talked to his wife and he called him and told him he didn't want to get involved in this then he found out they were worried about them tearing up the grass in the field, there's strawberries and grass, this is just grown up when it was a header when the Goodman Brothers were involved. He told Kurt about it, Kurt said this is what we'll do we will use a wheel forwarder. We'll go to Boonville and rent one have it brought up here we'll bring your timber down so it doesn't touch the ground we'll load it on the trucks. We'll take it out of here and when we're done we'll load the forwarder on the flatbed and take it back to Boonville. It's going to cost X amount of dollars to do this. But to make Mr. Cappelli happy this is another step we took we are not running a chained skidder up and down the road. So this is another step we took to be outwardly compatible with Mr. Cappelli to get this thing done. The whole objective to this is to get the damaged timber out of there.

Attorney Cooper asked if he talked to him about that?

Mr. Vanderwerker stated he has a couple of times and the last couple of e-mails he sent back and he told him he was going to do it in the winter time when the ground froze and terminate everything when it thawed out. It would be on the snow not the ground and Mr. Cappelli stopped sending e-mails, he just terminated communication altogether. The last communication he did get was he had issues that he wanted to address, he wanted insurance policies, he wanted bonds, and he wanted this and that. Then they went down to the property owner that is northwest the next one over from Cappelli's. They live in New Jersey and they asked them and they denied too. They have been working on this all summer to get this compatible to where everyone is happy and no one seems to be happy. So it's coming to the point where Kurt is above and beyond and talked to the neighbors up there and its either the timber is going to fall down and rot and he is going to lose on it and the other way we can do it is come to the Board and ask the Board what we can do.

Supt. Bradley stated two things. It's a deeded right of way? Mr. Vanderwerker stated yes it is.

Supt. Bradley stated why don't you just use it, just do it. Mr. Vanderwerker stated what they wanted to do is bring them down with the forwarder. They would wait until the truck was there and bring them down and stack them along the road.

Supt. Bradley stated the truck wouldn't make it up to your property correct? Kurt stated correct, it's to steep.

Mr. Vanderwerker stated that is another issue in itself. He had a culvert in there. There is a beaver dam. The culvert that use to be there taking the culvert through. He told Mr. Cappelli a couple years ago he would improve the roadway, put a culvert in there. Mr. Cappelli told him that would be great and if he need to draw fill in he would go in with him. All of a sudden now if he puts a culvert in there Mr. Cappelli is going to arrest him for trespassing and take him to court. He doesn't know what is going on with this guy. All he is trying to do is get the timber out of there before it falls and rots. Supt. Bradley asked if he thought about flying it out. Mr. Vanderwerker stated at \$300.00 an hour. Kurt stated it would cost \$200,000.00 to take out \$10,000.00 worth of wood. Mr. Vanderwerker stated he had to hire a lawyer to make sure that

the right of way, we could use the right of way. The first question before we got involved in this was what could he actually do on this right of way. Can he drive on it or can't he drive on it. Attorney Simon stated he can drive, there is no question of that. Mr. Vanderwerker stated you can use it for utilities. It's 30 feet wide we can do what we want on it. So we can do that. Supt. Bradley stated what about forwarding it on to another truck there and taking it to another piece of property on that road.

Supervisor Thomas stated he thinks what you are pointing out here is exactly why the town shouldn't get involved with it. Because you go piling logs there and they get on Mr. Cappelli's land he is going to be upset with you and upset with us.

Mr. Vanderwerker stated when the land transferred to Cleveland's who originally owned that property back in the 40's, Magee bought the property from the Cleveland's when they transferred it to Brian Johnson who is Bob Johnson's son, he went up there and the right of way his deeded right of way, it was piled full of logs he couldn't get around it. He had a jeep and went around it on the way back down it broke down. So he went and got his flatbed and parked it on his property got his jeep the next day and Mr. Johnson came up and he was levied he was go to have him arrested because his trailer was on Mr. Johnson's property. He asked why all of his logs were doing in the middle of his right of way. Mr. Johnson finally calmed down. It's not an easy thing that he has been dealing with all along with these property owners. He doesn't see where it is a big issue. If you come down Fodder Road there is a cut out there that someone has been using. Supt. Bradley stated that is going to be Bob Carter's access road, Mr. Carter got permission and the town put a culvert in so he could get to his property. Right now he is using it to get his vehicles off the road and walk up at this point. Mr. Carter has the same problem, he has a landowner that won't let him cross his land so he has to walk up the mountain to get there. Mr. Vanderwerker asked if they would let them cut in there 15 feet and put there logs there until the truck comes and load them on. That is all they are asking. Supt Bradley stated the only issue he has is he knows Vinny and just looks at it as his property and he wouldn't want somebody giving permission to stack logs on his property other then that he doesn't have any problems. Mr. Vanderwerker stated where his building is, they are going to put the logs are probably 3-400 feet away.

Attorney Cooper asked if everything worked out alright how long would this operation be on going until you finish getting the wood out of there that you were looking at. Kurt stated he would say your looking at a couple of months in the summertime until maybe the fall rains then pull out and maybe a few more months in the winter when it freezes that would be about it. Mr. Vanderwerker stated this might be a two year thing because what he wants to do is take some timber out this year Kurt will probably come back and cruise it and maybe the following year or the year after he may want to thin some more out. That's something they were looking at originally, just so you are aware of this.

Councilman Liebl asked how many acres he has in there.

Mr. Vanderwerker stated 110 acres.

Councilman Gill asked how many loads.

Kurt stated 50-60 loads.

Attorney Cooper stated the Board has to decide what they want to do. Mr. Vanderwerker stated you don't have to decide tonight, you can think about it because of mud season and the roads are posted and this project isn't going to get off the ground until summer anyways. If you're pressured in making a decision don't.

Supervisor Thomas stated he thinks we already did but we can reconsider it.

Councilman Ross stated he would like the chance to look at the property because he knows the general area but is not sure exactly where he is talking about.

Supervisor Thomas asked what the Board wanted to do, put this off or.

Mr. Vanderwerker stated if you want to look at it Kurt would be willing to go with you and explain what we are talking about.

Supervisor Thomas stated there is no way you can use your right of way to stack your logs on and transfer the logs on the truck. Mr. Vanderwerker stated he is not trying to cause any trouble he is trying to be as congenially as he can with Mr. Cappelli. Attorney Simon stated these are questions and there is a legal question, you have a right of way that provides access back and forth we can't park in it. Supervisor Thomas stated your not parked in it. Attorney Simon stated that is the question. Supervisor Thomas stated if they are only going to be there a day then.

Attorney Simon stated he gets what he is trying to say, it's not a black and white answer. He is going to argue saying absolutely. But nothing is unfortunately clear.

Councilman Liebl stated if you use your right of way your not blocking anybody from using it but if your using the highway you got four other people up there that you would be possibly blocking.

Supervisor Thomas stated that there would be no decision tonight and understands what the situation is, the Board will go look at this, He doesn't want to put the town in this position and don't think it is a good thing to do.

Dean Farm trails:

Supervisor Thomas asked Wayne LaMothe from Warren County Planning to come over and explain the grant that County applied for.

Mr. LaMothe stated the Dean Farm Property. The County submitted an application for a multiple project to the NYS Dept. of State under the Local Waterfront Vitalization Program, which is a 50/50 grant program. For the Dean Farm Property we were awarded approximately \$176,000.00 to be matched with \$176,000.00 local time, volunteers, town crews, and equipment to construct the trails. Some of the amenities that were identified in the plan that was done is the project notebook that was done in 2008 by the ESF Foundation. Until we have a firm contract document with the State, he is saying \$176,000.00 it could be a plus or minus \$5,000.00 to \$10,000.00 on how they want to allocate the money. The matching fund requirement can be meant over the three year period and it can be for time of town forces, equipment of town forces, Dave Wick from the Soil and Water Conservation Office is going to do some of the oversight for where to locate the trails exactly. We are doing stuff in house at the Planning Dept. generating a topic map of the property that will then go to the GPS with the trails and have that as a reference point. So all that time counts as a match, their professional time. Volunteers on the site count at \$15.00 an hour. Town Crews and equipment goes by whatever standard you use for equipment with operator. He had a discussion with Dave Wick and Mr. LaMothe and Supervisor Thomas had a chat. Once it clears up there and dries out we will all take a walk on it and look at where the existing roads are, where the proposed trails were and see if it all really works. Dave will suggested road control methods during construction. There are two spots where the trails are showing to cross, existing streams, drains, and ditches. If you have to construct bridges to go across or small walkways it would probably benefit the town to have those engineered so someone's stamp is on it rather than put something in there and hope it's going to work.

More than likely if the town builds it they will go with it but with an engineer stamp if something ever happens then you don't have the recourse back.

Attorney Cooper asked if any of these structures going to be over a wetland greater than an acre in size? Because if you do you will need an APA permit.

Mr. LaMothe stated as part of this we will have to have APA come down and flag the perimeter of the wetland and then discuss with them if any of the trails are going through or entering the wetland on the north end of the lower part that gets up in the woods. They may consider that wetlands Attorney Cooper stated if they connect they will consider it all one wetland and most people don't understand if you build a bridge or even put in pilings they consider that filling in wetlands so you will need a permit.

Mr. Lamothe would ask the town to start thinking, once the trails are in, what other things you would see there, how would it be promoted. You have a nice spot as a destination for the people in driving distance and find ways to promote it. It would benefit the town, you could also look at how to connect it to the parks on the creek "John T O'Neill Green Meadows Park" itself.

As part of this process the County Planning office is going to be updating the First Wilderness Corridor Plan or the River Front Corridor the last update on the actual plan was 2004 and it is time to update the actual plan, so we will be asking to work with a working group from the town to look at Stony Creek needs and ideas of relation to Inter-municipal Agreements. The other thing they are working on in connection to that is they have been asked by the State to look at restructuring and renaming the Dude Ranch Trail Scenic Byway in the incorporating of the First Wilderness into that which means that the Stony Creek Road here would probably designate part of the National Scenic By-ways. Corinth to Warrensburg and up through Chestertown and over into North River and North Creek. So there are possibilities for the town for that. Other things that are going on at the same time and this becomes one of the components in that whole process. He would say that it will probably be June before they have their draft contract with the State that will spell out specifically what they are looking for. They really can't do anything there until the MOU (Memorandum of Understanding) is in place and then there will be. The Town will need to have enter into a formal agreement with Warren County and another Memorandum of Understanding for use of the funds and the type of things that can be done with it and how they would administrate those funds and oversee the project and get this moving forward.

Attorney Cooper stated could any of the towns sweat equity be involved with projective maintenance plans because some of these trails will grow up to raspberry bushes and what not over time and if it is all for construction maybe we would be hard press to come up with a matching half but if we could amortize foreseeable maintenance over there. Mr. LaMothe stated it is a three year project so over the three years anytime that is spent there becomes eligible beyond that no.

Supervisor Thomas stated is he correct that the County will setup a Capital Fund and reimburse the town. Mr. LaMothe stated the County will establish a Capital Fund and quarterly that will reimburse the town for their capital outlay. We can't reimburse for staffing or equipment but if you buy materials for the site those will reimburse quarterly. He gave Supervisor Thomas forms to take care of that stuff and the when they formal kick this thing off Glenna will probably come over and run through, she is the one who does the re-imbusement. We will record everything that the town is eligible to get. Supervisor Thomas stated that is important because that way the County is on book with the state and not Stony Creek. Mr. LaMothe stated correct and that is why we do it that way.

Supervisor Thomas stated as far as the Memorandum of Understanding with the ESF College Foundation, he spoke with the Mr. Quinn and he had brought it in front of his property committee and his lawyers have looked at it and he said there were a couple of minor changes and that they were passing it on to their insurance company. He said in a couple of weeks he hoped to have it complete.

Supervisor Thomas stated he was at the Chamber of Commerce meeting and Sue Cantana was supposed to attend the meeting to again request the use of the foyer for their ATM machine at the town hall. We talked about this once before and we didn't agree with it and don't believe that has changed. They wanted to change the lock to the inside and he told them he didn't think that was a good idea. Councilman Liebl stated he thinks we are asking for trouble with the building.

Purchase orders/ Procurement Policy:

Supervisor Thomas stated last month we had this chart and we reviewed it and this month he has incorporated it with what basically is on the chart into our Procurement Policy. Supt. Bradley asked if there were changes. Supervisor Thomas stated it's pretty much the same as it was. Supt. Bradley stated when the Board is finished he would like to address concerns he has.

Page 1. Supervisor Thomas stated it is basically the same until you get to Contracts. That use to be no.2 on the old policy as All Purchases, he changed it to Contracts and A) Purchase Contracts supplies or equipment which will exceed \$10,000.00 or B) Public Works contract in excess of \$20,000.00 shall be formally bid according to General Municipal law Section 103.

Councilman Ross stated don't they do that now. Supervisor Thomas stated yes that is State Law, that was in there before the only thing he changed it to Contracts he thought it made a little more sense then all purchases. A) is purchases but B) is Public Works Contracts. It's a little different. No.3 is now Purchase Order Policy. 1. in all instances Purchase Orders are to be completed before a purchase or contract is made. 2. The Town of Stony Creek will not be responsible for purchases made without prior authorization and Purchase Order number. 3) the only exceptions are the emergency purchases as described below. 4) all Purchase Orders shall be requested in writing using the request for Purchase Order Form.

Page 2. at the top is the chart. Purchases \$300.00 and under no required quotes still required and Voucher and Purchase Order. Purchases \$300.00-\$999.00 again no quotes but a Voucher and Purchase Order signed by the Bookkeeper. \$1000.00-\$2999.00 requires 2-3 verbal quotes and again a Purchase Order and Vouchers co-signed by the Bookkeeper. The Department Head would have to sign it also. \$3000.00-\$4999.00 2 written quotations, Voucher and Purchase Orders co-signed by the Supervisor. \$5000.00-\$10,000.00 you need a minimum of 3 written approval of the Town Board, Voucher, and Purchase Order co-signed by the Supervisor.

Councilman Ross stated signed with the Department Head.

a) Requirements for a Purchase Order 1) vendor 2) complete description of goods and services being ordered or purchased 3) quantity requested 4) price 5) quotes as required 6) budget code to be charged 7) signature of Department Head.

b) Receipt of Goods/services for payment of a claim: invoices received from the vendor must have the purchase Order attached and the Purchase Order number included on the Claim voucher and all supporting documentation such as statements, invoices, packing slips, etc. receipts must be attached. The claim voucher must be signed by the Department head acknowledging receipt of the goods or services and submitted to the Bookkeeper within 2 days of receipts of same.

c) Blanket Purchaser Orders: will be created for products or services that are purchased on an “as needed” basis from a vendor throughout the year where the dollar values vary for each purchase. The Blanket Purchase Order will be valid for a maximum period of time depending on the vendor and for a maximum dollar amount and must be reissued after that time frame has elapsed.

d) Emergency Purchase Orders: general Municipal Law Section 103(4) defines an emergency as “a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public building, public property or the life health safety or property of the inhabitants requires immediate action.” If an emergency arises the Department Head must contact the Supervisor and one board member to obtain approval prior to making any purchases. No 4 was the end of the Purchase Orders policy part.

4) is now All Estimated Public Works Contracts a) is basically the same as before. B) Less than \$10,000.00 but greater than \$2000.00 requires written request for proposal (RFP) and fax/written proposals from at least two (2) contractors and town board approval. C) Less than \$2000.00 requires two (2) Verbal quotes. d) all public works contracts require a purchase order number. Any written request for proposals (RFP) shall describe the desired goods, quantity and the particulars of the project to be completed. The purchaser shall compile a list of all vendors from whom written or fax quotes have been requested and the written or fax quotes offered and a copy of the RFP. All information gathered in complying with the procedures of these guidelines shall be preserved and files with the documentation supporting the subsequent purchase of public works contract.

5 and 6) are basically the same as the procurement policy has been.

7) Except when directed by the town board, no solicitation of written proposals of quotation shall be required under the following circumstances, (Purchase Order required): a) is the same b) Emergencies; see notation on Emergency Purchase orders c) and d) is the same e) Goods purchased from other government agencies; f) is the same; g) Goods purchased for less than \$1000.00; h) Public Works contracts for less than \$2000.00, (2 verbal quotes required).

Request for purchase order, procurement worksheet and purchase order forms are attached.

There is a module that goes along with the accounting system that he has however the company that bought out Impact which is the company that they purchased the accounting system from doesn't offer the purchase order module any more and is trying to get them to upgrade to their system which is basically the same as the system they have now and they want \$8000.00 to do that and he is not inclined to do that.

Councilman Gill asked under the emergency who decides if it is an emergency. Supt. Bradley stated so what he is saying is if he thinks something is an emergency but you guys don't he can be arrested for violating. Ronda stated there is a description of what an emergency. Supt. Bradley stated but your description. Ronda stated that is the law that description. Supt. Bradley stated what he is saying is he is saying the emergency is he needs a snowplow ram for his pickup but you guys might not think so because you have three other trucks why don't you use the three other trucks I don't think that is an emergency, but he thinks it is an emergency because he needs to get it done faster. He can name fifty items; this is just one thing that he has an issue with. The amounts, Ronda is here from 9-3-3:30. we start work at 5:00 his situation is he comes in; he usually has his day planned so he knows what he has to do. Thurman, Warrensburg calls they need trucks for paving there goes two-three of his guys and now he is limited to what he can do. So now he has two trucks sitting there possibly he tells them to go haul stone or whatever. He is sitting from 5-9 waiting for Ronda to come in to get a PO (purchase order) to buy stone. Unless you say that is going to be a blanket but that is just one issue.

He can tell you in great detail that in Thurman it didn't work for them. He isn't saying this won't work for us he isn't against this at all he's against the prices. He can limit his stuff he knows the board thinks he buys a lot of stuff; we take good care of the stuff. He is always doing something. If he sees something cheaper he is going to buy it. You are going to get him to buy stuff only at Wallace which is going to cost more money because he has to come back in here to get something. The guys have to come back here and get a written paper and go back to Glens Falls, you are going to be wasting gas traveling back and forth. If it's going to have to be a written proposal and Al is in Glens Falls and we need this because we just broke something he has to come all the way back or someone is going to have to run a PO all the way out there to get that. That is the kind of problems we are going to run into. He just got an earful from Pat of what problems Thurman had up there, and he is the one that's going to be, he understands that Ronda is having problems with certain things he is sure of that. But is he wrong that the State said we didn't have to have a PO system. Supervisor Thomas stated they told us five years ago. Supt. Bradley stated he talked to Scott (from the State Comptrollers Office) a month ago and he said you don't have to have it we want you to have them. Supervisor Thomas stated then they recommended it. Supt. Bradley stated absolutely they recommended, Scott said we recommend you have it; it's absolutely the way to go, for a town we do realize it's a pain especially for the Highway Supt. Supt. Bradley asked what the options are here, what can the limits be. Scott said the limits are what you decide they are. Supervisor Thomas stated what the Board decides. Supt. Bradley stated that is what he is saying, he isn't saying you he is saying all you guys. Supt. Bradley is not asking for that, it's whatever they want to do. Scott suggested \$500.00 and up, Supt. Bradley said is it unreasonable to go \$1500.00. Scott said absolutely not, his suggestion would be \$500.00. Ronda is not here in the morning and what is he going to do if he needs something. He understands a set of rims and a truck that's cracked, he knows he has to wait a day, there is no problems getting permission from somebody.

Supt. Bradley asked what his thinking is about this.

Supervisor Thomas stated mostly it's the same as the other except for the purchase order part of it. Supt. Bradley asked without exact appropriations has he ever gone over his budget.

Supervisor Thomas stated no he doesn't think that's the point and doesn't mean to argue with you but it seems you want to pay your bills off statements, we don't know what your buying until just before the Board meeting we have no clue. We have two Staples accounts they are so screwed up we can't get them separated and straightened out, one of them needs to be closed and we get no receipts.

Supt. Bradley stated he agrees with him on that. Supervisor Thomas stated and these things need to be taken care of. Supt. Bradley stated that's not an issue for him but for you, he understands there's an issue for him but for you he understands there's an issue with paperwork.

Supt. Bradley went back to if he needs a credit card he has to see him for the credit card. He doesn't know what he's buying that day. He just happens to think about it, he has to come back get a card from him and a PO and go over and do that. Besides the paperwork, it's like your micromanaging. He gets elected because he is good.

Supervisor Thomas stated this is also to make sure you have the money because last fall you were coding where you didn't have money for.

Supt. Bradley stated that's another thing who codes the codes. Supervisor Thomas stated it's your budget you should be. Supt. Bradley stated right, why is he getting bills in the office that are already coded that he hasn't gone over that are already coded, he doesn't care. Supervisor Thomas stated why are you holding bills for two-three months at a time before you turn them in

to the town board. Supt. Bradley stated how often does that happen. Supervisor Thomas stated how often? It's quite regular that's gone on for years.

Supt. Bradley stated there are times it happened and his not disagreeing with him. Supervisor Thomas stated you will sit and wait for the statement when you got the receipt when it told you when you got something and wait two months to get the statement before you turn it in.

Supt. Bradley stated that because that is what the State Comptroller told him to do. The Comptroller told him to not pay off the paper you have to wait. You pay off, when you get it in the mail that is what you pay; maybe you have to have the receipt stapled to it. Scott told him not to pay the bills early, if they do the accounting and make out the paperwork and when you get it in the mail that's what you pay, even if the receipt is stapled to it. Scott told him not to pay the bills early, you pay them when they do the accounting and paperwork and give it to you or mail it that's when you pay it. That's what he was told; they don't want you paying off the receipt.

Supervisor Thomas stated he is trying to tell you what he has seen over the years. Supt. Bradley stated he is not disagreeing with him on a lot of that. Supervisor Thomas stated he thinks if the town owes a vender money and you have the receipt that you bought something then there is no reason they don't get paid.

Supt. Bradley stated that is what the Comptroller told him to do. Do not pay off the receipts. That is not what you do. He sat down in his office with him for four-five hours with this guy. He said you can't do that. He was doing that at one point with Darcy, you can't do that is what he said. This is something you have to get straight that's all. He is not arguing on any of this, some of this stuff he can see. Supervisor Thomas stated he's not arguing he is just telling him what he witnessed over the years. Ronda stated also when the purchase is made the money has to be incumbent per the comptroller. When the purchase is made the money you have to make sure the money is in the account and it has to be set aside for that purchase that you made. Supt. Bradley stated that is if you have a PO system. Ronda stated that is for anything. Technically according to the comptroller at the schooling when the purchase is made the money has to be set aside for that, so you know when that money is coming out of that fund so that when you go and make another purchase out of that fund you don't have that money available you have what's left after you take that out.

Councilman Ross stated is that extra work for you. Ronda stated no, it's extra work right now.

Councilman Ross stated that is like doing your books twice to him. Ronda stated just as long as she knows the money is not available anymore because it has already been spoken for.

Councilman Gill stated is there anyway to, when they are over getting parts, to call. Ronda stated to get a purchase order she would think. As long as you know that amount is being spent. Supt. Bradley stated that is not what it is saying in here, that you need that before you make the purchase. You need the paperwork and he doesn't want any issues of the last issue he had.

Councilman Aldrich brought up an item which is upsetting him, which is when he buys a set of tools it cost \$200.00 and nobody asked him about this stuff, Councilman Aldrich does but nobody else does and he knows you guys are thinking he just buys to buys stuff, Councilman Aldrich said to him you bought a set of tools for \$200.00 and now it's \$40.00 shipping it's ridiculous, Yes but do you want me to go to Wallace and buy it for \$400.00 for the same equivalent of tools because we no longer have a Sears account. Supervisor Thomas stated we do have a Sears account he doesn't know why you didn't come up for the card. Supt. Bradley called Sears and they said you no longer have a Sears account. Supervisor Thomas stated we did have the cards are in the file cabinet. Supt. Bradley stated he didn't know that. They said we no

longer have a Sears Account. Supervisor Thomas stated we did have, the cards are in the file cabinet.

He explained to Councilman Aldrich why he bought that. Your guys may not think I wanted it, so now are you saying I have to come to you to get permission and there is a chance you could say no. So it's micromanagement, I say we need it you say we don't. Supervisor Thomas stated he is not going to say no to whatever you want to buy not when it comes to the purchase order, he might when he sits here. As far as purchase orders it's to make sure we have the money and make sure the money is being spent because there are months that go by that bills aren't paid that we owe money on and a month or two later they show up. Supt. Bradley stated the reason is a lot of times is because we get something that doesn't belong to us, we are sending it back, or there are other issues with it or we aren't happy with it. Why would you want to pay somebody, we aren't being charged interest. We got interest charged on one card and he canceled that out. They were charging us money because we were late. He's not saying it happens all the time, but it does happen, we get stuff and it is going to sit there until we take it back to Albany and he isn't going to pay that bill until he knows that we are squared up with that. Supervisor Thomas stated you closed out a Lowe's account that you didn't open. John O'Neill opened that account and not Neil Bradley. Supt. Bradley stated maybe that's the point before but nobody used that account except the highway department now maybe you do, Supervisor Thomas stated Harold used it occasionally. Supt. Bradley stated well you shouldn't have been using Lowe's to start with, because Lowe's isn't State Contract, Home Depot is State Contract. Technically you aren't taking advantage of State Contract services because your using Lowe's. He isn't saying you could have an item here or there that is less money then state contract but when you can have no issues at all by buying through state contract the State may give you issues with it. Is the State Comptroller telling him he can't open accounts? Supervisor Thomas stated he doesn't think you can open credit accounts, As far as he is concerned you can open them but he thinks the board needs to know what your doing. The town is entitled to know what accounts are being opened up in its name. We have a new vendor, Councilman Aldrich gave him the address, if we need a part, they are cheaper. Supt. Bradley stated he would think the town would want as many open as possible as many vendor as we can get so that we can go through this because they are not going to send us stuff on our word. They want paperwork saying we are going to pay. Supervisor Thomas stated we don't have a problem with that as long as we know the accounts are being opened especially like a credit card or something like that.

Supt. Bradley stated he agrees with that. Supervisor Thomas stated or a Sears Account with a card those types of accounts we need to know about. As far as an account or you are going to order something they are going to send you a bill and the board approves and pays it.

Supt Bradley stated he knows for a fact we are going to have issues. Small items are going to be impossible to get a PO from you or the bookkeeper when there is nobody here. He doesn't know how he can do it. He doesn't care about the PO's that's not a big deal, he'll do it. He doesn't want to be stuck in a predicament where he has to sit around waiting for somebody to do something when we are working. The day is half over. He is up at 3:00 in the morning figuring his day and a lot of stuff is spare of the moment. He knows you guys don't like that but there are certain things, especially like buying stone and sending guys for parts. That is the only problems he has with it, if you have to get a PO you have to come back here to get it. Every town's problem is having to go back and get the paperwork and bring it back.

Attorney Cooper asked Supt. Bradley, he understands about the stone, he was thinking there is probably no reason with the exception of the complaints you make, the business office here at

the town hall isn't opened until 9:00 but there is no reason why you couldn't send your guy off or you couldn't take blank purchase orders with you and the store could fax them over here and get them signed off by Frank and have them faxed back to you. Supt. Bradley stated if you are at Home Depot and your asking them to fax over. Attorney Cooper stated it would seem to him if it is an account they treasure that wouldn't be a big deal. Supt. Bradley stated they absolutely don't care. Attorney Cooper stated it seems with all the electronic communication stuff we have today we could work our way around these problems. Supt. Bradley stated you may be right but he does most of the buying and he can see where that is going to be a huge issue. He probably buys the most as anybody it's going to be a huge hassle. Attorney Cooper state he is in no position to know he just offered that one suggestion.

Supt. Bradley stated like Wallace or something like that, that's tailored to us, that's fine but when you start outside to get a price on something, Curtis could do it easy enough it's certain ones. You're trying something new. What other towns did you talk to that are doing this. What's the feedback? Councilman Aldrich stated he talked to other towns and Johnsborg liked it. Supt. Bradley stated who in Johnsborg, Councilman Aldrich stated the Highway Supt. Supt Bradley stated Johnsborg is a little different then our town. Councilman Aldrich stated they have more employees, more equipment, have more roads. They are different.

Supt. Bradley asked who else. Councilman Aldrich stated Warrensburg. Supt. Bradley stated he wants a list so he can asked, he wants to know how they are doing it, how they are able to function on a lot of this stuff. Supt. Bradley asked if it was the same as Stony Creek's, Councilman Aldrich stated he didn't know. Supt. Bradley stated why they aren't getting exact numbers and telling them what's working with other towns. You want me to get quotes. Why aren't you getting information from other towns on this and is this working. Councilman Aldrich stated they didn't tell him anything isn't working. Supt Bradley stated they are doing a system but are they doing this PO system. Councilman Aldrich stated no they are doing their own. Supt. Bradley stated he would like to know, you said they like the PO system maybe there PO system is anything over \$5000.00 they need a PO. Councilman Aldrich stated no, no. He doesn't remember the exact figure. He is telling you they like there system. He doesn't remember exactly what their bottom line is. Supt. Bradley stated why are you making a decision on this.

Councilman Aldrich stated he is making a decision on this here, not on what Johnsborg and Warrensburg is doing. Supt. Bradley stated don't you take that into consideration when you are doing something, what's not working, what is working.

Councilman Aldrich stated last month you said Thurman's was working.

Supt. Bradley stated that's what Pat said but he hasn't talked to him in four months, it was working. He said it was working fine then today he said absolutely not, it's the worst thing we ever did. We got rid of it. Don't do it.

Councilman Aldrich asked why he is totally against this.

Supt. Bradley stated because he can see it's going to be nonsense. If he has to buy something for \$300.00 he has to get a PO number or \$305.00 he has to get a PO. That's pennies in the Highway Dept. He's not against this don't get him wrong. You have to refine this a lot more. He was hoping that's what was going to happen. He can't believe the numbers are so small.

Supervisor Thomas stated that's why we are here.

Supt. Bradley stated he doesn't have a problem with PO's he just thinks that, Hadley-Luzerne hates them; the highway dept. says it's insane when they have to get something, it's ridiculous. Each one of these towns are going to have a system obviously some are liking them some aren't.

Supervisor Thomas stated yes, they do, he has reviewed several of them. Supt. Bradley asked if this is what they are doing, that's what's he's asking. Supervisor Thomas stated no, he didn't copy anybody's he reviewed several of their policies.

Supt. Bradley stated he was 31 years old when he took this job, he didn't know nothing, he takes everybody's input and he makes his decision, the guys tell him what is and what isn't working, he is opened minded, he listens to everything, is it feasible. That's the way he does it. He just doesn't say no, I'm right you're doing it this way. That's all he is saying.

Councilman Ross asked under emergency purchase orders, it says, "If an emergency arises the department head must contact the supervisor". Well he is about the only department head we have, if it's in the middle of winter and god only knows when you're in a meeting, that's going to be tough thing to do.

Supervisor Thomas stated somebody usually knows where he is at. He can be contacted at the county or home. If it's an emergency obviously we could probably get around that too.

Councilman Ross stated if it's an emergency, it's an emergency.

Supt. Bradley stated as far as getting three quotes we already do that, even items on \$100.00 we do that now. We don't just buy. The highway guys are so stingy. They do their homework, everything that they do. They do way more then him. They tell him what we have, this price, it's all done.

Councilman Aldrich stated this is just asking you to document it.

Supt. Bradley stated he doesn't have a problem with that; the problem is the smaller dollar stuff. You don't like him buying filters from NAPA. He can buy from someone else but they're not going to be as cheap as NAPA. The same as oil, he does buy a little bit better grade of oil. He can shop but will need more vendors. Then he has to do more homework and again open more accounts. Everything right now is working. He wishes there were more thought in this. There is definitely some thought into this but too much. Definitely his paperwork is a mess. Supervisor Thomas stated the Staples thing we need to get taken care of. They are crediting one account, which should be credited to the other and we only need one staples account. The Town of Stony Creek doesn't need two Staples account.

Supt. Bradley stated that's not an issue, the only issue he has is if he has to get something he has to look somebody up, if he leaves here at 7AM. He knows a lot can be planned, certain things are are going to be a pain, he has to come back get a card and go back, do it again and it's a total waste of gas and tires.

Ronda stated she orders on line. Supt. Bradley stated he knows and it's a good idea. He tries to get stuff shipped here as much as possible so we don't have to drive.

Councilman Ross stated some of what you saying, can some of that be taken care of by a phone call. If they're over there and they see something they need can he call back and say he needs a purchase order for this at the price from this vendor, that would save a trip back over. Supt.

Bradley stated absolutely Councilman Ross stated something like that can be taken care of by a phone call then the record is there.

Supt. Bradley stated the other issue he has is the guy's start at 5AM in the summer if somebody needs trucks, he has nothing for two truck drivers to do, they can't cut brush by themselves, and they ride around and check roads. You don't just want them riding around you want them doing something. They decide to change a culvert and they need something, he doesn't have a whole week of stuff set aside, that's why the amount should be higher so if he needs a load of blacktop or stone or blanket PO. So if there is some way they can do that, then it can be done that way.

He can see a set of rims; he has a truck with broken leaf springs. That is being planned and has plenty of time for that. That stuff he can defiantly understand, he can see that. The day to day where he has to make a split decision on what not to do might actually require buying something. Fuel will absolutely require a PO and that will be tough because he doesn't know how much fuel we need. If it's empty, it's a 3000 gallon tank he says fill it 2700 is what it takes so he can pretty much get that to where he wants it to be. It's tough but can understand. Supervisor Thomas stated the same with stone he would think that would come under the blanket. Supt Bradley stated that is what he is wondering. Supervisor Thomas stated at least for a certain amount of it anyway. Supt. Bradley stated that is another question. Councilman Aldrich stated stone or blacktop, something like that. Supervisor Thomas stated you don't have to have a purchase order for every load.

Supt. Bradley stated he absolutely doesn't have a problem with the purchase orders only problems with the prices. It's not going to effect anybody only us. Obviously we do that most spending so that's why it pertains to us.

Attorney Cooper stated he doesn't want to get out of his place because he wasn't elected to anything over here but one way to resolve this is, it seems to him for the board to have the issues right in front of them and say this the black part and this is the white part, would be to adjourn this for a month and let Supt. Bradley go down though the draft and say he would word this paragraph differently. Supt. Bradley stated, a suggestion.

Attorney Cooper stated it would fit with our business needs of the highway department and then you could compare the draft that it is to the oppose of his changing and you could debate stuff right in front of you rather than this kind of confusing swirl of different concept here.

Supt. Bradley stated his suggestion would be he would like to call some more towns and figure out what is working for them. Just because a couple of towns like it doesn't mean it's the same thing as this.

Attorney Cooper stated he heard at least three issues he bought up but the big one seems to be the price minimums.

Supervisor Thomas stated he thinks that is the main issue he has actually.

Supt. Bradley stated absolutely.

Attorney Cooper stated so it's up to the Board if they want to proceed. He just thinks it gone on this long he doesn't know what the harm would be waiting another month but if you want to vote on it tonight that's your call.

Supervisor Thomas stated he put it together and put it in front of you.

Supt. Bradley stated he didn't think about a lot of this stuff until he heard Pat today and that a lot of this stuff started ringing a bell and said he can see where it could be an issue.

Councilman Aldrich stated he bought this up to Supervisor Thomas probably six weeks ago or more and he did it because he thought we needed more accountability. The Town of Stony Creek needed more accountability of what was going on with the finances. He's not pointing his finger at you or anybody else and he is the one that started the ball rolling and we have gone this far, it seems your not happy.

Supt. Bradley stated it's not that I'm unhappy.

Councilman Aldrich stated your not happy so he thinks we should maybe just go back and have a highway committee meeting, a couple of them to rectify this situation.

Supt. Bradley stated the other thing at the highway committee meeting is if the guys could be involved too, maybe there out of line too because they're just workers but they know a lot of stuff and a lot of stuff they bring to his attention.

He could ask them himself and bring the information to you. But you have more minds thinking, they're going to tell you what's going to work and what's not going to work, that will help things too.

Councilman Aldrich stated it will work if we get a call and get a purchase order number if your down in Glens Falls and something like that, we need this, here it is give me a purchase number order or if nobodies here and you need this item or whatever it may be. He doesn't see any reason as long as there is accountability when you see Ronda the next morning or Frank, someone says I need a Purchase Order I bought this.

Supt. Bradley stated that's what he is wondering, where it's going to be the drawing line. Obviously we are going to need a line because we're not going to tip tap around, he's going to be in trouble or he's not going to be in trouble. So he needs an exact line where he can step and say I did this.

Councilman Aldrich stated when you've done something, we haven't really of anything you really spent, we never complained or done anything against it and it's not, it's the accountability that's where he's at.

Supt. Bradley stated you can't let that stuff eat you up, like the tools you need to ask why I spent that money on that. Why did we pay \$40.00 in shipping? You need to come to him and ask him. Why did he get the stone? The reason we got the stone, we just broke a bunch leaf springs on one truck and he knows it happened from drawing that stone on those roads. We know that what happened, Donald is the best driver there, he noticed it about when we were done with the stone, he's not saying its 100% that's what did it. If we had all the trucks hauling that stone what more damage we would have had. You would have defiantly have more tire ware, defiantly more brakes, defiantly more clutches, could have had an accident. I understand we have trucks and need to utilize them, we own them we better be doing something with them but that kind of stuff if we can sub it out, we got the stuff for free. He thinks that was great. We only had a certain window we could do it in and it was done. The only thing is they extended the window on him but still couldn't have gotten as near as we had. But they extended it, it was only suppose to be for two days and he said to bring what they had and we were doing other things. So he told it in his mind, it went over \$1500.00 and technically he should have gotten permission so its his fault but, it still ended up being a little bit cheaper. We got more product here. He told Councilman Aldrich to talk to any logger, our dirt roads are the best dirt roads far as none as any other towns. Our roads are harder because of that extra material. There is a reason why he is doing this, whether you like it or not at least hear him out and let him tell you why he is doing this.

Councilman Aldrich stated he didn't know anything about it until his phone rang because people were asking.

Supt. Bradley stated they called me and asked if I wanted this, he said he didn't think so and they started throwing numbers at him and he said bring it up we need it. Then the guys had an issue they weren't drawing it. They were doing other stuff more important then drawing stone. They were working on trucks that had to be done versus spring time which technically we're not suppose to be on the roads anyways. When we're not doing anything now. We still saved money by doing it.

Supervisor Thomas stated they would get together with Supt. Bradley and try to iron it out and adjust it as necessary.

Attorney Cooper stated he was asked at the last meeting to report back on damage to the town road by trac-vehicles and skidders with chains. He spent a substantial portion of his day getting that straightened out. He was in the Alice in Wonderland world of the phone tree of the Vehicle and Traffic Department of the State of New York and never did get to speak to a human being, but made a lot of other calls and researched some law. There is Civil Liability to anybody who damages a town road but that's not a very satisfactory answer to think we have to sue every logger who chews up the road, the preferable thing would be to avoid that happening and the question is how do we do that. According to Bob Swan at the sheriff's Department, we could call the sheriff's dept. if someone has damaged the road and they would consider that an actionable complaint not a civil matter, it surprised him a little bit, he says call him if that happens, but the V&T Law says that vehicles like skidders and probably trac-hoes and some other exotic logging equipment are not required to be registered or licensed. He talked to a guy at DEC and he said there is a provision called Best Management Practices Relating To Timber Harvesting, but that generally relates to use of land away from public highways like stream crossing permit or bridge permit. To bridge certain streams if you're a logger so that's not going to help us. Everyone he talked to gave him a different slant and he said in his experience they don't most generally move trac-vehicles very far on a road because it beats them up too much but, skidders will run along the roads to go from job site to job site because it's cheaper than bringing a low trailer to load them, chain them down and move them. He called the Town Clerks of Warren County except he didn't get through to Warrensburg and virtually none have any local laws or ordinances dealing with this problem except Lake George and they have an APA approved Zoning Ordinance and they have a Code Enforcement Officer and every time a logging contract is commenced in Lake George they have to come to the town hall for a permit because they consider that a land use or development action and at that time there is a site plan review basically dealing with water run off and that type of thing. It's a kind of preliminary approval they have to get from the Town of Lake George for any logging operation but we're not geared up for that we don't have anything. We certainly don't have a town officer to administer these types of thing. Johnsbury is the only other town that has anything close to a permit process and they will allow a logger to come in and log during mud season when roads are posted if there has been a really hard freeze overnight they will allow a logger to move his equipment up across town roads. We could enact a local law but if they need a permit or not would be a separate issue. But if the time they got the permit they could sign a statement that they could agree to repair the road for any damages they cause or something like that and it might cause them to be a little more careful about tearing the roads up. That the best he could come up, after consulting these various sources.

Supt. Bradley stated if we had that in place and a log truck goes up our road what recourse do we have, do we call Warren County to come over and weigh them.

Attorney Cooper stated it wouldn't have anything to do with weigh, we could call the sheriff and say this guy is doing an un-permitted logging operation. He doesn't know how effective that would be as far as the response would be. He thinks it probably would work this way. Instead of Supt. Bradley going up after the fact to a logging operation saying to the guy, geez your tearing up my roads and you don't have a permit and you're going to have to pay a fine for damaging the roads unless. It might give you some leverage with these guys. That's the only beneficial effect he can see from doing this because he thinks generally the philosophy of the town is we don't want to be a hostel place for logging and we most generally like government permits.

So that's the only good that could come out of this from his standpoint as a lawyer. But politically or whether it's a wise judgment thing to do that's up to the town board to decide. Councilman Gill stated what about the individuals that own camps and go up the road to do something and there not loggers.

Attorney Cooper stated there're not suppose to run trac-vehicles on the road according to Warren County Sheriff's Office. He said it wasn't permitted as he recollects it certainly is going to chew up the dirt roads more then anything else. A crawler or trac-vehicles like that.

Supt. Bradley stated once you tell them about it they're good about it then they play stupid, ok they won't do it again then they move to the next lot.

Attorney Cooper stated you said a logger is a done deal they are gone by the time you catch up with them anyways.

Supt. Bradley stated some of these guys are drawing at 2 in the morning to avoid him.

Attorney Cooper stated you could say to them they are going to make an example of somebody do you want to be the guy their going to make an example of. The point of the matter is there is no other town in the County that has done anything about this problem so it can't be unique to us. There are a lot of rural towns that live with the problem.

Supt. Bradley stated the Town of Thurman gives them a bill for damage to the culvert and they pay it.

Committee report:

Councilman Liebl stated the list of committee dates has 2009 and should be changed to 2010.

Supervisor Thomas stated the Town Judge has received a grant in the amount of \$1281.95 he intends to buy a fireproof file cabinet and bookcases.

Councilman Liebl asked if we were going to act on the letter from Mr. Bormann.

Supervisor Thomas stated he didn't want to, if he wanted to act on it he can. We had another request from another person here in town and didn't act on that so he certainly isn't going to act on Bill Bormann's.

Councilman Aldrich stated we got this letter in 2003. It says passed a resolution. Can we pass a resolution that we're not interested in changing the speed limit on States Road and East States Road or any town roads and that would stop. Councilman Liebl stated it would stop this completely.

Attorney Cooper asked if he just sent this to us. Councilman Aldrich stated he made about 50 copies and sends one every year.

057-10. A resolution was made by Councilman Liebl seconded by Councilman Aldrich that the Stony Creek Town Board is not interested in changing the speed limit on States Road and East State Road o any town roads. Roll call vote, all in favor.

Supt. Bradley stated the frame has been welded on the truck and is perfect but doesn't know how long it will last.

058-10. A resolution was made by Supervisor Thomas seconded by Councilman Ross to declare the month of April as "Parents Who Host" month. Roll call vote, all in favor.

059-10 A resolution was made by Supervisor Thomas seconded by Councilman Gill to mail the dump cards for free dump day in 2010. Roll call vote, all in favor.

060-10. A resolution was made by Councilman Aldrich seconded by Councilman Ross to renew the HaPeDe Contract for the distribution of Town and Chamber brochures in the amount of \$790.00 to be taken out of the Occupancy Tax monies. Roll call vote, all in favor.

From the floor:

Virginian Lorrain asked if the appointment of applicants to the Board of Assessment Review could be held off for a month to advertise and get more applicants.

Supervisor Thomas stated this was advertised and the training starts next month.

John Thomas asked about tenants getting the free dump cards. Supervisor Thomas stated they can stop by the town hall and get a card.

A motion was made by Councilman Aldrich seconded by Councilman Ross to adjourn the meeting at 9:24 PM. All in favor, motion carried.

Susan Harrington
Town Clerk