

May 19, 2015

The regular Town Board meeting of the Town of Stony Creek was held on May 19, 2015. Supervisor Frank E. Thomas called the meeting to order at 7:01 PM with member present Councilman Nathan Thomas
Councilwoman Doreen Ryan
Councilman Carl Thomas
Attorney James Cooper
Absent: Councilman John Thomas

April 21, 2015 minutes; corrections

Page 24 change sentence to read: Dr. Berry stated, "To say there was no effect to the district would be inaccurate".

Page 28 under Cemeteries change sentence to read: Maybe open for discussion to think about not planting a ground cover, trees or shrubby.

A motion was made by Councilman Nathan Thomas seconded by Councilman Carl Thomas to accept the April 21, 2015 minutes with these corrections.

071-15. A resolution was made by Councilwoman Ryan seconded by Councilman Nathan Thomas to pay the General Fund bills in the amount of \$6761.18. Roll call vote, all in favor.

072-15. A resolution was made by Councilman Carl Thomas seconded by Councilwoman Ryan to pay the Highway Fund bills in the amount of \$10,103.97.

Councilman Carl Thomas asked if the wafer brooms were for the sweeper. Supt. Bradley stated yes. Roll call vote, all in favor.

073-15. A resolution was made by Supervisor Thomas seconded by Councilman Carl Thomas to pay the Fire Fund bill in the amount of \$1027.56. Roll call vote, (Councilwoman Ryan stated she is a member of the fire dept. and she votes yes) all in favor.

Town Clerk Report:

Conservation Licenses	\$ 4.30
Certified Death copy	10.00
Fax	1.00
Copies	<u>1.00</u>
Total Town Clerk Fees	\$ 16.30
Dog Licensing	<u>50.00</u>
Total Town Revenues to Supervisor	\$ 66.30
NYS Ag & Markets	10.00
NYS Environmental Conservation	<u>73.70</u>
Total Disbursed	\$150.00

Correspondence:

Dog Control Log-April 2015

Tonya Hathway-permission to use the park pavilion May 31, 2015 for an Annual Family get-together for Anthony B. Smith's 9th Memorial.

Stony Creek Mountain Days Festival/Chamber of Commerce-requesting up to \$12,000.00 of Occupancy Tax Funds for the Stony Creek Mountain Festival and \$5600.00 of Occupancy Tax Funds in support of the 2015 Lumberjack Competition.

A motion was made by Supervisor Thomas seconded by Councilman Nathan Thomas authorizing Tanya Hathway permission to use the town pavilion May 31, 2015 for an Annual Family get-together for Anthony B. Smith's 9th Memorial. All in favor, motion carried.

Old Business:

Harassment and Discrimination and Sexual Harassment Policies:

Supervisor Thomas stated that these were handed out last month to give the Town Board time to review them. We don't have to adopt these specific policies.

Councilman Carl Thomas stated his thoughts on this is you can't legislate behavior anymore then you can legislate morality. You've taken a minority group from 15 years ago and through political prerogness is going now to a major group so to speak and to him it's like giving license. It's another way the political correctness activity that we see going on. It's just another way to diminish Gods authority and he is totally against it. He thinks the person ought to be good and if there is bad behavior take care of it. You don't need to have an insurance policy. But this is how they sell it to everybody, make you think it's so necessary. He thinks it's got more harm than good in it.

Councilman Nathan Thomas stated it was a request from our insurance co., correct? Supervisor Thomas stated yes, it was. Councilman Nathan Thomas stated anyplace where he has ever worked, they have had one. This is just a basic layout. Did Attorney Cooper get a chance to look at them?

Attorney Cooper stated yes he looked them over. All he would say to the board would be that much of the stuff covered in here is already prohibited under the Human Rights Law of the State of New York, which is part of the Executive Law Section 296. Secondly he would say that on the Sexual Harassment Policy if you look at Section 5D-Remedial Measures, there are no Remedial Measures set forth in Section 5. Section 5D seems to have an omission there for some reason. Accordingly to have a policy about indicating what the powers are to invoke punishment. One of these say, he thinks Harassment and Discrimination Policy implies, you can have any kind of sanctions right up to and including a discharge and that brings him to his third point. Which is although arguably it would be necessary for the town to have such remedies, it's not spelled out in here.

Exactly how would the Town Board act as a trier of facts if somebody makes a complaint? Is it going to be the Supervisor, the whole board or will it be done in Executive Session, he assumes it will be, and is it going to require a unanimous vote or just a simple majority of the Board Members. Are the people accused and the accuser going to be entitled to counsel? It may be a necessary thing but to anticipate all those things and set them forth it would be like looking at the Federal Register, all the ramifications that could develop out of this. If the Board decides it necessary then we deal with the problems that come up in the future. All he is saying is it's not spelled out now.

Supervisor Thomas asked if all of this stuff was spelled out in the Executive Law. Attorney Cooper stated no, not really. He was thinking about that this morning. If you violated a statute he guesses you could be sued and your cause of action would be so and so violated Executive Law Section so and so 296, to my damage and I want XYZ as compensation, whether it be back wages or future wages or damages to their reputation. That's not spelled out either. He thinks that's the way it would be handled.

Councilman Carl Thomas stated it's not actually sexual harassment, it might be under harass but there's no common sense in the world and this is a little thing. But look what's going on in Baltimore, Ferguson, or Akron Ohio, where the police, now they're talking about disarming the police and all this other stuff. You have to have common sense somewhere, you can't legislate everything and its coming from the top down and they're not giving us a chance. They are taking this here and saying you got to have this for the protection of the town, which is not a bad idea, but that's how they sell that and that's how this stuff grows. You look at the decline in the United States, it's all really a result of this great legislation that we've had over the years, tearing us apart, and it's not building us up or protecting us.

Supervisor Thomas stated he doesn't necessarily disagree with that. The other point is the town could find itself in this position to whatever happens and we should probably have some policy to address it whether it's through Executive Law and the lawyer from an Insurance co. or Attorney Cooper or our own policy. Councilman Carl Thomas stated we don't have a zero tolerance thing now? Schools have it, everybody has it. It's idiotic, people have to start thinking for themselves. Attorney Cooper stated if the Board does intend to enact this, and certainly it's the Board prerogative, he thinks on the Sexual Harassment Policy you should spell out what your remedial measures are, maybe have a list of sanctions. Maybe start with a warning, then go to a sanction, with stipulations, suspension without pay, termination, whatever you think is appropriate. Supervisor Thomas stated he doesn't know if these two policies are what we want after reading them. There ok but there a little convoluted. They could be a lot simpler. Attorney Cooper asked if the county has one. Supervisor Thomas stated they probably do he's sure. Attorney Cooper stated let's look at theirs, look it over and decide if that's the direction we should go or not. Supervisor Thomas will check with the county and other towns and maybe come up with a policy that's a little more to our liking or his liking, he doesn't know about anybody else. Councilman Carl Thomas stated it's not to his liking at all, it's a doorway. Supervisor Thomas stated that's a point but these things do happen too. The town should have some way to deal with it.

Councilman Carl Thomas stated he doesn't disagree with that but you're talking about documentation and all these other things that go with it. Recordkeeping, Compliance Officer. It's more oversight, more cost and things he thinks we don't really need and shouldn't need in Stony Creek. He hopes if Supt. Bradley had a problem with his people he would straighten them out in a hurry. Supervisor Thomas stated we will try to seek out some different policies.

Tax Freeze Plan:

Supervisor Thomas stated this has to be done by June 1st. You have to have a savings plan by June 1st. It has to be a 1% savings for years 2017, 2018, 2019. We opted not to join the county. He estimated with the fire dept., which there is \$113,000.00 budgeted and which 1% of that is \$1130.00. So he would think the workers compensation itself, just what the county did last year will be an ongoing savings each year. So he thinks that would suffice in his mind a plan. Prior to this year we were paying \$6626.00 a year. This year we paid \$1860.00, which is a \$4766.00 savings. As far as the town budget the levy is \$650,496.00. 1% of that is \$6510.00. He figured he could get some of that from NYMIR by joining with NYMIR. The first year, 2014 Trident came in with a price of \$27,645.00 and NYMIRs price last year was \$23,632.00, which is a little over \$4000.00 savings. This year even if Trident has stayed at \$27,645.00 we would have saved \$3121.00. So he can project what trident wanted and add to that what they charged in 2013 and see what the increase was.

Councilman Carl Thomas asked if this means for the next three years it has to be decreased by 1% each year. Supervisor Thomas stated it has to be a 1% savings each year, Councilman Carl Thomas stated each year. Supervisor Thomas stated yes.

Supervisor Thomas stated Integrys, he has done all the math on it and there is probably some savings on signing the contract with them for our electricity compared to buying it from National Grid. The "Music in the Park" is in the General Fund. He would propose that the Board move it from the General Fund and fund it with Occupancy Tax, that's a \$6000.00 savings.

Councilman Carl Thomas asked if we can do it in stages because if you do it all in the first year it doesn't leave anything to work with. Supervisor Thomas stated right and he thinks as long as its ongoing, the savings continues, he thinks that covers it.

Councilman Carl Thomas stated, if your occupancy tax, you make a \$6000.00 savings adjustment all in the first year, what are you going to be doing the next three years? Can you piece meal, that's what he is asking? Supervisor Thomas stated yes, and the last thing is a transitional assessment. That has forced the town to reduce its levy for a number of years here. We reduced the levy \$10,000.00 in this year's budget. He believes that's a plan too because if you don't reduce the levy then the tax rate will jump about \$20.00 a \$1000.00 every year. He's been fighting that battle for many years so to him that's much a plan as anything, until it disappears.

Attorney Cooper stated on Councilman Carl's question, so three years out its going to be 1% savings we will have to accomplish but not based on the prior year, it's going to be based on today because otherwise it's not 3% savings. The third year out it might be 4 or 5% of what it is today. Supervisor Thomas stated right. Attorney Cooper asked Supervisor Thomas if that was the way he understood it. Supervisor Thomas stated that's the way he understands it.

That is his plan unless someone else has some other suggestions.

Councilman Carl Thomas stated to continue with what Attorney Cooper said. You're using this year as your base year and then each year would be compared to this year not the preceding year? Supervisor Thomas stated that's his understanding, yes. It has to be an ongoing savings. The county is doing a consolidating purchasing plan. They're trying to put that together. Any commodities, they're trying to get all the towns and probably work up to the school districts and fire depts., everybody can buy through one purchasing agent.

Supervisor Thomas stated he's question is what's the States Plan. What are their cuts and spending? They've been on the local government. Superintendent Bradley stated by not fixing the Northway and Route 418. Attorney Cooper stated they are all over you to save on the tax bill but they're nowhere to be seen, when it comes to taxpayers complaining of lack of services. Supervisor Thomas stated they spend all they want, if they don't have it they want to borrow. We need to turn it around on them. When everybody gets their plan in, say ok what are you going to do? The Local Governments are not the problem it's the State that's the problem.

Committee Reports:

Supervisor Thomas stated he did hear from CLA Site, they sent him an e-mail four months to the day he met with them. He (CLA Site Rep.) informed him he contacted David Barrass to do the survey work. He's supposed to come up and survey the corner. He hasn't seen him yet and we are also going to have a scope meeting with Warren County Planning and the State.

Supervisor Thomas stated he received a letter from Assemblyman Stec indicating that the town will be receiving an additional \$13,815.00 in CHIPS monies from a Winter Recovery Grant. This is included in the budget adjustments.

New Business:

Occupancy Tax request; Stony Creek Chamber of Commerce

1. Stony Creek Mountain Days Festival/Chamber of Commerce-requesting up to \$12,000.00 of Occupancy Tax Funds for the Stony Creek Mountain Festival and
2. Request of \$5600.00 of Occupancy Tax Funds in support of the 2015 Lumberjack Competition.

Supervisor Thomas stated that last year \$38,754.76 was spent in Occupancy Tax money, this is what was actually spent. Councilman Carl Thomas asked if this is total for everybody.

Supervisor Thomas stated right. This year there is \$3368.00 currently paid out. The starting amount was \$64,020.00 and we have \$60,652.00 left. That's with the \$30,000.00 we anticipate getting in October, technically its' been increased to \$40,000.00 so instead of \$60,000.00 it would be \$70,000.00. It wasn't appropriated yet because we didn't know about it at budget time.

074-15. A resolution was made by Councilman Nathan Thomas seconded by Councilwoman Ryan authorizing the expenditure of bed tax monies up to the amount of \$5600.00 to the Stony Creek Chamber of Commerce in support of the 2015 Stony Creek Mountain Festival Lumberjack Show. Roll call vote, all in favor.

075-15. A resolution was made by Councilman Nathan Thomas seconded by Councilwoman Ryan authorizing the expenditure of bed tax monies to the Stony Creek Chamber of Commerce up to the amount of \$12,000.00 in support of the Stony Creek Mountain Festival. Roll call vote, all in favor.

3RD Annual Town-Wide 4th of July picnic:

Supervisor Thomas asked if the Town Board would like to have the 4th of July picnic. Last year is cost \$1500.00. The Board agreed to have it again this year.

076-15. A resolution was made by Councilwoman Ryan seconded by Supervisor Thomas Authorizing Councilman Nathan Thomas to prepare and mail out the post cards up to \$300.00. Roll call vote, all in favor.

Lifeguard:

Supervisor Thomas stated he will asked Gabrielle Imbarrato if she is interested in being the lifeguard again this year and if not he would like permission to advertise for this position.

077-15. A resolution was made by Councilman Carl Thomas seconded by Councilwoman Ryan authorizing the Supervisor to advertise for lifeguard if Gabrielle Imbarrato is not interested. Roll call vote, all in favor.

Budget Transfers:

Dean Farm Trails:

078-15. A resolution was made by Councilwoman Ryan seconded by Councilman Carl Thomas authorizing the following budget transfer:

Debit A3897 State Aid-Culture & Recreation in the amount of \$15,187.87.

Credit A7180.1 Special Recreation Personal Service in the amount of \$13,687.87.

Credit A7180.4 Special Recreation Contractual in the amount of \$1500.00. Roll call Vote, all in favor.

Southern Adirondack Magazine:

079-15. A resolution was made by Councilman Nathan Thomas seconded by Councilman Carl Thomas authorizing the following budget transfer:

Debit A1113 Occupancy Tax in the amount of \$472.50

Credit A6410.4 Publicity in the amount of \$472.50. Roll call vote, all in favor.

CHIPS additional funds.

080-15. A resolution was made by Councilman Carl Thomas seconded by Councilwoman Ryan authorizing the following budget transfer:

Credit DA3501 CHIPS Anticipated Revenue in the amount of \$13,185.00.

Debit DA3501 State Aid/CHIPS in the amount of \$13,185.00.

Credit DA5112.2 Improvement Capital in the amount of \$13,185.00. Roll call vote, all in favor.

Memorial Day Parade:

Supervisor Thomas reported the Memorial Day Parade will be held on Monday May 25th at 3:00 PM beginning at the Town Hall and end at the Recreation Field. Following the ceremony refreshments will be served at the town hall.

Councilwoman Ryan reported that Dominic is collecting food donations for the Open Door Mission in Glens Falls.

Attorney Cooper asked when the Dean Farm Open House would be scheduled.

Supervisor Thomas stated he was hoping it would be this Spring but probably won't be before Fall. Attorney Cooper stated he was over there a few weeks ago and Sandy Payne has built an incredible rock staircase that by any standards is a pretty impressive piece of work.

Councilwoman Ryan and Supervisor Thomas agreed that they have done a remarkable job.

From the floor:

A motion was made by Councilman Carl Thomas seconded by Councilwoman Ryan to adjourn the meeting at 7:51 PM. all in favor, motion carried.

All in favor, motion carried.

Respectfully submitted

Susan Harrington, RMC
Town Clerk