

September 21, 2010

The regular Town Board meeting of the Town of Stony Creek was held on September 21, 2010. Supervisor Thomas called the meeting to order at 7:00 PM with members present:

Councilman Dale Aldrich
Councilman Stanley Ross
Councilman William Liebl
Councilman Harry Paul Gill
Attorney James Cooper

August 17th, 2010 minutes:

A motion was made by Councilman Ross seconded by Councilman Gill to accept the August 17th, 2010 minutes. All in favor, motion carried.

August 24, 2010 minutes:

Correction: Page 260 after Supervisor Thomas stated no insert, there is no early payment penalty because you can't pay early on a Municipal Bond once you take it out on the term that's what the term will be.

A motion was made by Councilman Liebl seconded by Councilman Ross to accept the August 20, 2010 minutes with the correction. All in favor, motion carried.

097-10. A resolution was made by Councilman Ross seconded by Councilman Gill to pay the General Fund bills in the amount of \$6858.42. Roll call vote, all in favor.

098-10. A resolution was made by Councilman Gill seconded by Councilman Liebl to pay the Highway Fund bills in the amount of \$10,080.34. Roll call vote, all in favor.

Town Clerk Report:

Conservation licenses:	\$ 10.07
Cemetery lots	800.00
Certified Death Copy	<u>10.00</u>
Total Town Clerk fees	820.07
Dog licenses	<u>15.30</u>
Total Town revenues to Supervisor	835.37
County Treasurer for Dog license	4.70
NYS Environmental Conservation	<u>284.93</u>
Total disbursed	\$1125.00

Correspondence:

Dog control log for August 2010

Heather Lagace-use of the town hall October 9, 2010 for a Birthday Party.

Amelia Kelly- use of the town hall October 22nd. 2010 for a House-Ware Party.

Cassandra Carlton-use of the town hall October 23rd, 2010 for a Birthday Party.

Stony Creek Free Library permission to hold the concession stand next year at the "Music in the Park" nights and also hold the 50/50 raffle.

A motion was made by Councilman Gill seconded by Councilman Ross authorizing Heather Lagace use of the town hall on October 9th, 2010

Amelia Kelly use of the town hall on October 22nd, 2010

Cassandra Carlton use of the town hall on October 23rd, 2010.

Discussion: Attorney Cooper commented that he has slight concerns about the citizen that wanted to use the town hall for a Tupperware Party, it looks like that are using public property for private purpose Birthday Party or something else is in a different vein. It's just not the same kind of beast it seems to him but it's up to the board to do what they want to do, but there might be precedence here that you don't want to set.

Councilman Ross asked where would you draw the line.

Attorney Cooper stated she didn't elaborate. She is doing it for a commercial purpose for her own profit or somebody's profit

Supervisor Thomas stated there is a motion on the floor and doesn't know if anybody wants to change it. Councilman Ross stated are we going to set precedence for doing it because the next person can come in and say I want to set up for a garage sale or something. It's kind of hard to turn them down, he doesn't care either way. Councilman Aldrich stated is this something that has never been done before or something that has happened before or what. He knows Birthday Party's but as far as Tupperware has that happened before? Ronda Thomas stated at the pavilion. Supervisor Thomas stated he doesn't know if the town hall has, that comes to mind anyway.

Councilman Aldrich stated he thinks Attorney Cooper has brought up a good point there and maybe it ought to be discussed or pigeon hold right now before get gets out of proportion. He doesn't remember who was asking for permission but maybe it's time to do it or not do it right now.

Attorney Cooper stated he thinks you're lucky in a way because it seems like this example is on the far extreme and the Birthday Party is on the other. It might be tougher if somebody came in here and said they wanted to hold a charity benefit for some child with cancer. There they are trying to raise money and it's not for the public at large it's for a particular individual but how are you going to say no under those circumstances. So maybe by doing this you can say we are going to restrict it to a personal celebration that are joyous that type of thing and make the precedence go that way and it might enable you later on to use this precedence as someone you can utilize it to get a tougher case before you.

Supervisor Thomas stated we have a motion and a second unless that's changed

Councilman Ross stated the motion was to allow all of them. Supervisor Thomas stated yes.

Supervisor Thomas asked for all in favor say I. Councilman Liebl and Councilman Gill-aye, Councilman Aldrich and Councilman Ross opposed, Supervisor Thomas abstained.

Two ayes, two nays 1 abstained, motion fails.

Supervisor Thomas stated at this point no one can use the town hall. Councilman Aldrich stated he doesn't think that is a good way to handle it. Supervisor Thomas stated there was a motion on the floor and nobody changed it. If you want to do the Birthday Parties then make another motion. Councilman Aldrich stated because all of a sudden your stopping the birthday parties and he doesn't think we should. He feels after bring to his attention that. Supervisor Thomas stated we have to deal with one motion at a time, when someone makes one deal with it.

Councilman Aldrich stated he understands.

A motion was made by Supervisor Thomas seconded by Councilman Aldrich authorizing Heather Lagace and Cassandra Carlton permission to use the town hall for a Birthday Party. All in favor, motion carried.

New business:

Request from the Chamber of Commerce for Occupancy Tax funds.

Supervisor Thomas stated the Dot Bartell asked that this be brought up at an earlier point in the meeting and he agreed to do this. The town board was given a copy of the letter and budget along with a list of activities to be held at the Fall Festival. Councilman Ross asked if there was a rain date or is this taking place rain or shine. Jean Stearns stated that is a problem we are running into. We don't want to change the date but if possible they would like to have a location in which they can move there. We need to be able to plan on a space that will be able to hold the number of people they are hoping will come. We prefer that it is not outdoors because in October it is rainy and cold. So the pavilion would not be an option.

Phil Colette stated he set up a lot of festivals in Lake George and has run many festivals and his thought is the garage (old highway garage) it's huge and if he can talk Supt. Bradley into cleaning it out on the 16th, only if we have detrimental weather coming. He would like to ask the town board if that could be possible, that they could use the inside. We can set up pretty much everything inside that garage. If he would back the trucks out we will sweep the floor. Just if we know the weather is coming in is going to be a hard shower. Any festival you plan is a shot in the dark of what the weather is going to do, especially this time of year. Councilman Ross agreed.

Jean Stearns stated unless you can get a tent for the whole four corners, which would be variable space large enough to house everything. All the activities and the people that they hope show up.

Phil Colette stated it is going to be advertised and if the weather is going to be detrimental you put rain or shine. Jean Stearns stated you can put the auction stuff up here everything would be somewhat contained in the one area, people wouldn't have to travel for each activity and they would still set up the car show. Again this is the issue profit, not for profit. Phil Colette stated it's the Chamber, he doesn't think the Chamber is not for profit. It's benefiting the community. Jean Stearns stated right but you are still trying to raise money and that was what they discussed earlier. Attorney Cooper stated it seems like we're in for a penny we're in for a pound. With the bed tax funds the precedence has been established County wide, that we can give out these monies that were collected from people who stayed, paid the tax came into the public confers and then they could be disbursed to private organizations for there private benefit so if we can give bed tax to the chamber I guess we could let them use the town hall. Under the same theory it serves an all public service and advertising for the Town of Stony Creek. Promoting our economic welfare.

Supervisor Thomas stated it is up to the town board. Councilman Ross stated he wouldn't have a problem with it. As far as the old highway building he doesn't know what is in there. Attorney Cooper stated as far as he would suggest with that is if Supt. Bradley is willing to do that we have to run with our carrier and make sure it's not a use of the building that they wouldn't insure. Because if something falls off the ceiling and cracks somebody in the head or something then we have to make sure that we are insured.

Councilman Liebl asked if the electric is still hookup in the building.

Supervisor Thomas stated the electric is hooked up but there is no heat. He thinks we should check with Supt. Bradley because obviously his people will have to move the stuff out of there, we should at least have his opinion on it. Phil Colette stated this is only a Saturday event and if they are predicting heavy rains.

Supervisor Thomas stated with the band being in the Inn, he knows the last time that happened that was a problem with this town board anyways. He is bringing this up just to make sure this is not going to be a problem again. Councilman Ross stated the band is going to be inside.

Dot Bartell stated yes because it is going to be at night. That time of year it will be to cold, to dark to be outside. Councilman Ross stated the last time it happened it was the Mountain Festival a year or two ago and it was going to rain so they moved it inside, and a lot of people that came into town to listen to the band and they couldn't hear them outside. If this is advertised to be held inside he doesn't have a problem with it. Councilman Ross stated there is going to be square dancing. Dot Bartell stated yes, the band will be Vintage Country Band. What they are going to do with this whole event except for the auction will be cash, they are going to sell some tee shirts and merchandise which will be cash. It is all going to be run with coupons so everything is going to be in dollar incumbent coupons, so they are going to have one place where coupons can be brought. If someone buys \$20.00 worth of coupons and to do an event it would be 2 coupons (\$2.00). They will use coupons for the food, events and also the square dance. If they want to square dance they will have to buy coupons. The chamber is doing a hayride, face painting, guess the weight of the pumpkins, all of that is going to be coupons.

099-10. A resolution was made by Councilman Ross seconded by Councilman Gill authorizing the expenditure of Occupancy Tax funds in the amount of \$3673.00 to be used for the Chamber of Commerce Fall Festival, also use of the old highway garage and town hall in case of rain. Roll call vote, all in favor.

Purchase of new highway truck:

Supervisor Thomas stated we had a special meeting on the 24th of August. He thinks at that point we were able to buy the truck and look at borrowing the money to purchase the plow and box. Because we are in the Adirondack Park and because the State owns over a percentage of the town we have to make application to the Comptroller's Office in order to borrow money and one stipulation they said on that is that we would have to either, the item we were borrowing the money for, would have to be on State Contract or we would have to go out to bid with it. At that time we were looking at the Western Star. The truck was under State Contract but the box and plow was not. That's where we are at. If we are going to keep pursuing the Western Star we can probably order that but would have to go out to bid for the box and plow before he can apply for the permission to borrow the money. He talked to Supt. Bradley and said the state was putting something out to bid but wasn't sure if it was the trucks or plows. That was a week and half ago. The way he talked they were suppose to award them. He doesn't know if that would change the price of them.

Councilman Ross stated we could buy the truck right now with no problems. Supervisor Thomas stated we could buy the truck without a box and plow.

Councilman Liebl stated we have to put the box and plow out to bid. Supervisor Thomas stated for the Western Star because it didn't come as a complete package.

The Mack and Volvo they were a complete package. The box and plow was included. The Western Star he believes didn't include that. He stated he thinks it did include it if you went to a temco plow, we have Viking for everything we have. He didn't seem to be inclined to go with that type of plow because it wouldn't interchange. Councilman Ross stated we wouldn't have the truck before next spring right? Supervisor Thomas stated if you order just the truck, he thinks it is like three months. If you do the truck, plow and box it's like six months.

Councilman Aldrich stated so you have to put this up to bid and when the bid comes back then you know how much money you can apply for. Supervisor Thomas stated they want to make sure you put it out to bid or brought it off State Contract. Councilman Aldrich stated you have to put out to bid, Supervisor Thomas stated the box and plow. Councilman Aldrich stated another month? Supervisor Thomas stated yes, probably. He doesn't think it would be a problem.

Councilman Ross stated you can put the bid out anytime you don't need the truck, it would be nice to have it here. Supervisor Thomas stated he thinks you would probably want to know which truck. He doesn't know if you want to wait until Supt. Bradley is here see what this other state bid was, if that changes anything. Authorizing it to be put out to bid, the plow and box out to bid. Councilman Ross stated he doesn't see anything wrong with doing it that way. That's the kind of truck the board decided they wanted, he wasn't here at the last meeting but that was the kind of truck they said they wanted and alot of the input was from your highway superintendent.

Supervisor Thomas stated we have another meeting on October 5th about the budget maybe Supt. Bradley will be here. Councilman Aldrich stated we don't really know what the body and plow they want, do we? Supervisor Thomas stated not exactly. Councilman Aldrich stated he had all the information on it. Councilman Aldrich asked if we voted on buying the truck? Supervisor Thomas stated the last board meeting we did take a vote, yes we basically said we were going to. Not the special meeting the one prior to that. Councilman Aldrich stated so without his input we really can't, there's not a lot we can do. Supervisor Thomas stated no, he would say.

Councilman Aldrich stated we will have to reserve a few minutes on the October 5th meeting to pursue this. Supervisor Thomas stated yes, that wouldn't be to late if you order the truck the first part of October it will be the end of or first of the year to get the truck. By that time we should have permission to borrow money and have money lined up to buy the box and the plow.

Committee reports:

Youth: Councilman Ross stated the letter from the Youth Director, she had a pretty nice summer with all the kids and program. She is doing a lot of good things. Supervisor Thomas stated she is doing a good job.

Landfill: Rick Gilbert is taking over at the landfill for Tom Fisher who had a back operation. They are talking maybe 2-6 months of being out of work. Rick has been transferred to the landfill and he is losing 10 hours pay a week. He doesn't think we should give him the money but is there some way we can compensate by letting him work a little somewhere else. Supervisor Thomas and himself talked about this for a minute or two and should do something that is fair for him, in his opinion. This maybe something that can be bought up to Supt. Bradley, is there something he can pickup, so many hours before he goes down to the landfill to get the extra hours. He isn't saying give him the money but he means is there something they can do to push that along. Make it fair to him. Councilman Aldrich stated he thinks we ought to do whatever we can do to make it fair to him and fair to the town. Supervisor Thomas stated if he

came in at quarter of seven and worked until quarter of nine, two hours everyday that's your ten hours, and he still has his two days off. He was concerned about that too. Councilman Aldrich stated somewhere he should be able to pick up ten hours within the Wednesday, Thursday and Friday. Then he would get two full days off, something that Supt. Bradley, Rick and the board can work together until this transition is over with. If Tom doesn't come back we will have to address the situation a little bit differently. Supervisor Thomas asked about opening the landfill at 8:00 instead of 9:00. Virginia Lorrain asked about an extra hour in the afternoon, instead of closing at 3:00 close at 4:00. John Thomas stated a couple hours in the fall would be nice, everybody is getting cleaned up. Councilman Aldrich stated it is something that might be a couple of months or maybe two to six months. There is quite of bit of pay between Tom and Rick. So when Tom comes back to work he wouldn't want to think this is going to continue on. He would want to go back to the original hours. He just wants to see if there was something he can do for Rick, between Rick, Supt. Bradley and the town board. Councilman Liebl asked if he was getting the landfill rate of pay. Supervisor Thomas stated yes, he is getting the same rate of pay. Councilman Aldrich stated he is getting the laborer rate of pay, which is less then what Tom was getting. This will be discussed with Supt. Bradley.

New Business:

Retirement resolution: Supervisor Thomas stated NYS has changed the rules to the NYS Retirement System. There were lawyer's downstate claiming retirement and contribution that they weren't working and weren't doing. They found out about this and they made everybody account for their time so each elected officials that is on the retirement system has to do a calendar for three months documenting everything they do and this is pretty much the result of it those things are on file with the town clerk the calendars, the standard work day for each individual and also the days per month based on a record of activities. The town board has to adopt this by resolution and the clerk has to certify it and post it for 30 days and then send it to the comptroller's office.

100-10 A resolution was made by Councilman Ross seconded by Councilman Gill to adopt, approve and post for 30 days the Standard Work Day and Reporting Resolution. Roll call vote, all in favor.

101-10. A resolution was made by Supervisor Thomas seconded by Councilman Aldrich authorizing the Stony Creek Free Library to hold the concession stand and the 50/50 raffle at the "Music in the Park" the year 2011. Roll call vote, all in favor.

Town of Barker, Broome County resolution to support horizontal drilling for gas in the Marcellus Shale formation: Councilman Ross stated what he has seen it is huge and they say there is tons of gas in there but whatever he sees is raising hell with the water in the area. He doesn't know if he can support this. He doesn't know a lot about it only what he has read and heard on the TV. He thinks horizontal drilling is done with water pressure. Attorney Cooper stated its not only water but they use other chemicals and they are afraid those chemicals will infiltrate the ground water system of residents in the area and maybe municipal supplies, he doesn't know, you could say that is a fear that's considerably terrible consequences, it's justified, or could say this is going to be studied by the State and they won't allow it, there is a real chance of that happening.

Supervisor Thomas stated we should hold off on the support until the town board knows more about it.

Dog Control Law:

Supervisor Thomas stated the state though there budget process has changed the dog licensing procedure. The Towns use to license the dog but it was a state license. Now they want the towns to actually issue the licenses and the town will be responsible for the licenses. Councilman Aldrich asked if the town will make any money on this. Supervisor Thomas stated yes we will make a little, but you can only use it for dog control. The town has a dog ordinance in effect and also back in 2000 we raise the fee that the town receives \$2.50 for an altered dog and raised it to \$7.50 for an unaltered dog. The town going forward will have to come up with a new law, he thinks the law from the Town of Oswegatchie covers what we need to do. There maybe one or two things they want to change or add. It does seem to cover our ordinance also at least the clauses in the town's ordinance, their fees might not be our fees.

A copy of the Town of Oswegatchie Local Law was given to the town board to review.

Supervisor Thomas state currently the town charges \$5.00 for altered dog \$18.00 unaltered dog and out of that of \$5.00, \$2.50 goes to the state \$2.50 stays with the county and with the unaltered dog \$7.50 goes to NYS \$7.50 stays with the town and the \$3.00 surcharge goes to the state. By them changing the law effective January 1st technically all we will be able to charge is, unless we change it, \$2.50 and \$7.50 plus the \$3.00 surcharge, plus they imposed another \$1.00 surcharge for the altered dogs. All the state will get now is the surcharges.

Councilman Aldrich stated to keep the fees as they are and we will get that much more. Attorney Cooper stated also the stuff the town clerk sent him we are waiting for a model law and smorgasbord of possible insertions we can pick and choose from to stick in to it from the NYS Town Clerks Association, which may come in the next month or so and suggest holding off acting on this until our October meeting anyway. Supervisor Thomas stated right and suggested the town board read the changes, local law and ordinance.

A Special Meeting will be held on October 5th, 2010 to review the 2011 town budget.

Historical Association:

Councilman Aldrich would like to bring up something that was thrown out at the chamber meeting about the Historical Society. It's kind of going down hill and it's possibility we're going to lose it or what and one other question how did they throw the Town Historian out of the Historical Society or am I asking the wrong people. Supervisor Thomas stated you should probably ask the Historical Association. Councilman Aldrich stated it is his understanding that they had meetings but nobody knew where they were at or what is going on. Supervisor Thomas stated he can say he is a Trustee in the Historical Association, basically the Association needs people to join it. We are down to 8-10 people and probably four of them pay their dues. So it needs people to join it or it's going to get to the point where it's not going to be viable and as far as the Historian that took place in June or July. Cindy Cameron, Town Historian and himself showed up, forth Tuesday of the month, figuring there would be a meeting, we waited about a half-hour and there was no meeting and about two weeks later they had a meeting and the next thing he knew she was voted off. He doesn't know what happened but that is how it happened. They didn't nominate her and her term was up and that's what happened.

Virginia Lorrain asked if they are local people that are on the board or are they new comers coming into town wanting to run things their way. Supervisor Thomas stated they are all local people. Virginia Lorrain stated local people that have been here a long time. Supervisor Thomas stated yes.

Councilman Aldrich stated it caught him off guard when they were talking about it and the thing with losing everything, if that was a possibility and if it's out they're quite a ways. Supervisor Thomas stated it's been mentioned a couple of times at the meetings he has been at. As far as he is concerned if he is the only one that belongs, he doesn't want that to happen, but it does need people to join it and more membership and people to take a little interest in it. If you want to change it people have to get involved. John Thomas stated sometimes people forget if you don't remind them that it is there. Everything is run for so long, a lot of people don't know they need more help, that they need more people and get some new people. If you throw the word out there and get it out. Councilman Aldrich stated the feed back he got in just a few days, people that he has talked to evidently there seems to be a click or whatever of four or five people and they don't want nobody there. He doesn't know if he is speaking way out of line by saying that or not.

Virginia Lorrain stated that's how all the organizations go here in town. Councilman Aldrich stated he just wanted to bring that up it bothered him. Supervisor Thomas stated it is an issue for the town we have a contract with them. John Thomas asked if they owned the schoolhouse and the house. Supervisor Thomas stated the schoolhouse is separate from the other. He thinks they hold the deed but he thinks it has conveyance in it, where if it is not a historical association or museum it gets reverted back to the State of New York and he thinks there is a stipulation that it be torn down. Councilman Ross stated the house is too nice to be torn down. Supervisor Thomas stated the old school house is separate from the Haskell Property, He thinks the Haskell Property is where the stipulation is in bereaved to the Historical Association. If it completely fell apart and nobody was around it would revert back to the State and they could tear it down. He knows with the ESF Property, for some reason the foundation doesn't want that property any more it does go to the State of New York and becomes a forest preserve.

Rabies Clinic:

Supervisor Thomas reported a rabies clinic will be held on Saturday September 25th, 2010 from 10:00 to Noon.

Dean Cemetery:

John Thomas asked if the town ever sells any plots down there, have they in the past. The deed says it is 100X200 and it is almost double that size over the years. Some have been added here and there. But it almost doubled of what the deed says. He didn't know who actually sold the plots and who is in charge of it, if anybody was in charge of it. The Town Clerk stated she talked to Art Brewer and was told years ago the owner of the property gave permission for this family to be buried because they didn't have anywhere else to be buried and the family just started growing and whoever needed a lot they let them get buried there. Supervisor Thomas stated he doesn't think the town has any control over it. John Thomas asked how we would find out. Supervisor Thomas stated we would have to have a deed. John Thomas stated it is deeded to the town 100X200 it has almost doubled that. Supervisor Thomas stated he didn't know it was deeded to the town.

John Thomas would like to know what we can do about it, if there is any precedence set in the past on putting a fence up or because it is bigger then what the deed says and he really doesn't want to own a cemetery. So he would have to survey what it is and just deed that property of where that sets on, over to the town. Supervisor Thomas will look into this.

A motion was made by Councilman Ross seconded by Councilman Gill to adjourn the meeting at 8:23 PM all in favor, motion carried.

Respectfully submitted,

Susan Harrington
Town Clerk