

July 15, 2014

The regular Town Board meeting of the Town of Stony Creek was held on July 15, 2014.

Supervisor Thomas called the meeting to order at 7:01 PM with members present:

Councilman Nathan Thomas

Councilwoman Doreen Ryan

Councilman John Thomas

Councilman Carl Thomas

Attorney James Cooper

June 17, 2014 minutes:

A motion was made by Councilman Nathan Thomas seconded by Councilwoman Ryan to accept the June 17, 2014 minutes. All in favor, motion carried.

July 1, 2014 minutes:

A motion was made by Councilman Carl Thomas seconded by Councilwoman Doreen Ryan to accept the July 1, 2014 minutes. All in favor, motion carried.

091-14. A resolution was made by Councilwoman Ryan seconded by Councilman John Thomas to pay the General Fund Bills in the amount of \$10,411.53.

Discussion: Councilman Nathan Thomas reported Voucher #158 Patrice Jarvis-Weber, Youth Program, there is a tax charge on it that we paid and maybe point out to them that we have a Tax ID # in the future. Roll call vote, all in favor.

092-14. A resolution was made by Councilwoman Ryan seconded by Councilman Carl Thomas to pay the Highway Fund Bills in the amount of \$11,049.07.

Discussion: Councilman Nathan Thomas asked if the highway had a phone plan. There is a blue tooth device on the bills. Supt. Bradley stated one of the highway guys left the window down and the rain ruined his blue tooth and he replaced it. Roll call vote, all in favor.

Town Clerk report:

Conservation license	\$6.90
Faxes	1.00
Copies	<u>.50</u>
Total Town Clerk fees	\$ 8.40
Dog Licensing	<u>70.00</u>
Total town revenue to Supervisor	\$ 78.40
NYS Ag. and Markets	14.00
NYS Environmental Conservation	<u>118.10</u>
Total Disbursed	\$210.50

Correspondence:

Peter LaGrasse-a revised more complete version of his letter to the Town Board dated June 17th, 2014.

Carl Thomas- two articles in the June 20th weekly issue of the Sacandaga Express; Stony Creek Wilderness and Revoking Gun Permits also a letter to address the town tax maps and State Lands.

Old Business:

Supervisor Thomas reported that the letter from Councilman Carl Thomas regarding the Stony Creek Wilderness Proposal. While he doesn't necessarily agree with the wilderness proposal, it's along the water body of West Stony Creek, which is in Benson, Mayfield, Northampton and Bleecker, areas of Hamilton County so it doesn't directly affect the Town of Stony Creek. If the Board wants to draft a resolution opposing it he doesn't have a problem with it. Councilman Carl Thomas doesn't know if any of that like over in West Stony Creek is that the access entrance. He doesn't know the thing there talking about. Supervisor Thomas stated it's all in Hamilton County. Councilman Nathan Thomas stated its southwest of us. Councilman Carl Thomas stated he couldn't tell if anything restricts people coming in.

Supervisor Thomas stated this was put forth before the Protect the Adirondacks Group, Peter Bauer, Executive Director. He's not sure if it's gone to the APA. He wouldn't be opposed to a resolution opposing it but he thinks you need to draft and have substance.

Attorney Cooper stated the State Land Master Plan says a wilderness area has to have so many acres and they made one exception to that for the Jay Wilderness Area, which is up by the Wollastonite Mine and the other thing is they don't allow any state roads or a macadam road dividing an area into two sections. So when he read this, he thought it would never fly, but it's east of Route 8. The Protect Organization has kind of maneuvered itself in being the most extreme of the environmental groups now and he thinks they have very little creditability with the DEC and APA at this juncture. They wanted complete wilderness classification from the whole Boreas ponds, Essex Chain Lakes thing and didn't do too well with that. You can do what you want. You could pass a resolution that you oppose this action. He doesn't see any harm in it but it might be wise to sit on it a while to find out what the heck is really going on rather than base it on this source here.

Councilman Nathan Thomas stated if you go on their website it's a comment period, he thinks it closes Friday for the Essex Chain Lakes. What they're proposing up there is a ½ mile of it, they're moving back to 1.8 miles to keep it remote also it's a three-day maximum permit to go and use the area for the lands that are currently Gooley Club, that is going to be handed out by the people in Newcomb VIC and one of the other propositions is it's going to be rustic camping with no campfires. They are really necking these areas down. It's State Land and this is what you can and cannot do on it. Councilman Carl Thomas stated it seems to creep. Councilman Nathan Thomas and Supervisor Thomas agreed. Councilman Nathan Thomas stated every new acreage they pick up is just less and less.

Attorney Cooper stated he was an active hiker and climbed 96 for the 100 highest peaks in the Adirondacks and thinks he has some credentials. In his experience the people that go camping in wilderness areas don't spend any money in the adjacent towns. Everything they need they take in with them, they consume it, they come out get in their cars and go back to Glens Falls or Albany or wherever and the adjacent towns don't tend to derive to much financial benefit from it. Wild forest is a little different, hunter's, fisherman and snowmobiles throw their money around a little bit more. There's a little more benefit from it for the adjacent communities as a rule and there are exceptions to that. He use to be on the Forest Preserve Advisory Committee so he would know what the inside

scoop was, that was 20 years ago he was on that. His guess of what's driving the Essex Chain regulation is the only other serious canoe area in the Adirondacks is up around Northwest of Tupper Lake, Saranac Lake area and it gets heavily over used. So they were probably saying it's an interpretation that this will get used quite a bit and maybe we should jump on the thing with regulations and back away from them. That's just speculation on his part, but if you want to go ahead and pass a resolution about the Stony Creek Wilderness it doesn't seem to be any harm. He thinks it would be better, more creditable to get the lay of the land before you did it. Supervisor Thomas stated this has to go before the Park Agency and have public comments. Attorney Cooper stated yes, if they're going to create a new wilderness area. He doesn't think there's enough acreage there. Councilman Carl Thomas stated they're talking about 3000 or something like that. Attorney Cooper stated the State Master Plan says wilderness areas have to be a certain size. Supervisor Thomas stated 12,850. Attorney Cooper will check this out and report back to the Board at the next meeting about what the size has to be and he will call APA and ask if there's anything going on there on their agenda in this regard. Supervisor Thomas stated he will check with Fred Monroe also, he's the Executive Director of Local Government Review Board. He is sure they will be opposed on this also.

Town-Wide 4th of July Picnic:

Supervisor Thomas reported the cost of the celebration less the ice was \$1531.00. Councilman Nathan Thomas stated there was 22 bags at \$44.00. Supervisor Thomas stated that brings it to \$1575.00. Councilwoman Ryan stated the rolls also.

Supervisor Thomas would like to thank everyone for their help. The Stony Creek Inn for the use of the steam table, coolers, cooker and canopy. The Stony Creek Library for the tent.

Supervisor Thomas asked if there is anything they could think that could be done better next year. Councilman Nathan Thomas stated they could cut back on the salads. Supervisor Thomas stated he thinks cut back on the hot dogs and less watermelon. He stated next year we could do it for around \$1500.00. Supervisor Thomas stated they received \$45.00 in donations.

Highway:

Supervisor Thomas reported that Supt. Bradley put together a list of culverts that he anticipates doing within the next couple years. Copies were given to the Town Board.

Supt. Bradley stated the problem is he jockeys money from bridges and stuff into fuel or salt and that's where he gets behind. If we have an easier winter it won't be as bad. He wants to line up as many in one time because it's cheaper to rent an excavator by the month, if he rents it for a week its \$1000.00, if he rents it for a month they can do a bunch of time. Someone may have one he can borrow.

Assessment:

Councilman Carl Thomas stated on the State Land acreage and things, does anyone have an opinion on it as far as.

Supervisor Thomas stated he doesn't know if he does or not. He sees a map here the parcels are broke down in to sub-parcels.

Councilman Carl Thomas stated yes they do have that. Supervisor Thomas stated they seem to have data on that as far as how they come to that.

Councilwoman Ryan asked if they did this would they have to be re-mapping.

Councilman Carl Thomas stated no, he doesn't think so and the State indicated they are willing to do it. He knows over in the Town of Day they have done it, they are very happy with the results of what they got. He thinks it's beneficial. You can look at a whole map and it's got nothing on it but the Tax ID# and there's other maps that have some private land and some state land on it. You can make no comparison or anything on it where you had the information it would be useful. In his opinion it would.

Attorney Cooper asked Councilman Carl Thomas what the ultimate goal is here. Councilman Carl Thomas stated the ultimate goal? Well part of the ultimate goal would be to look at the state land, if you had acreage on it, you could determine the value per acre on the State land. Now he thinks a 75-acre parcel here and a 75-acre parcel here, they look at them and they look about the same they ought to be about the same. It would be a guide type thing. It's a little more information that you can use if you want to determine land value. Attorney Cooper stated when he listens to Peter make his explanation it completely goes over his head for the most part. He worked hard on the transition assessment so he could understand it. But what he is hearing Peter say in simple terms is that by doing what Councilman Carl Thomas proposes it opens up a Pandora's Box and it could have an unforeseen consequences that the State could say, well actually we have less land that you have been charging us for. Your assuming that your study is going to produce results that show there is more land than we've been taxing for but he thinks Peter is saying that could go the other way. The other thing he heard Peter say over the last few months, which seemed remarkable was that when he artificially cut out compatible parcels and compared them with private parcels that are on the road, that the state parcels were actually paying more taxes than the compatible vacant privately owned parcels and again he's getting a tone there that he is afraid if we poke the State too much they might say we're paying too much for taxes and ask for reductions. Does any of your proposal here start down that road or is he being an alarmist on those subjects.

Councilman Carl Thomas stated Attorney Cooper used a term and he would agree with that because it does not enter into that area at all as far as he is concerned and if we have private land that is under value, and our land values are not good, when you look at sales and things like that they are not as accurate as they could be and if you had this information, now the State does timber cruise, he doesn't know if they cruise it or how they do it, he knows they do a lot of overlay and a lot of things like that on it to determine value and we don't do that because we don't do timber cruising but in his experience on the land sales, you see loggers come in they buy a parcel. They brought one on the Hadley Road for \$100,000.00 they clear cut it and they sold it for the same price plus all the timber value off it. We should have better, he thinks better accuracy on our values and he thinks it would help a great deal. Mr. Tompkins thought it would be valuable information, he is the State Land Unit in Albany. The Assessor in the Town of Day said it was a great value to him and they're very happy with it. Attorney Cooper asked if the State ended up paying more taxes in Day as a result of this. Councilman Carl Thomas stated no, he says no, he said there was a discrepancy like in the 26,000 acre thing in all the little subs, but it's only by 100 to 200 acres or so. It's not a contentious thing or anything like that. He doesn't mean it to be that, he means to have information so that if you can look at a 75-acre here and 75-acre down on Hadley Road and there's a big discrepancy in it you would wonder why. He would wonder why and he thinks because we don't have the facility to expertise, to do timber values and things like that it would just be a lot of information that we could use to make a better value, place a better value on private lands.

Attorney Cooper stated he's not in a position to respond to his comment because you know more about it obviously than he does. All he is saying is that he heard Peter say. The summary that he came to in his mind was, ok so the parcel down, 75-acres down on Hadley Road is undervalued, the

parcel on Harrisburg Road 75-acres is overvalued, in essentially when you did all these adjustments it came out roughly a wash. Then in the meantime by stirring up the ashes so to speak, the state may decide well we are paying to many taxes in Stony Creek and we'll be worse off than we are now. That's what he heard him say, maybe that's not a fair summary of his remarks. Councilman Carl Thomas stated he thinks that, He only talked with Mr. Tompkins at the State, so he doesn't know if they have alternative things, motives here or not but he certainly didn't indicate any. He certainly thought it would be good information, better information.

Attorney Cooper stated generally speaking he doesn't think anyone would argue with that, the more you know the more power you have in your decisions, maybe when Peter comes next month he can put the question to him like he did to Councilman Carl Thomas and see how he responds.

Supervisor Thomas stated that Peter said in his letter that the State parcels are composed to numerous sub-parcels but the State uses various items to value their timber, the forest and they add up all the numbers they come up with but he also is saying that we don't assess the private property the same way the State is setting the value on their property. Councilman Carl Thomas stated that's true. Supervisor Thomas stated not being an Assessor not being totally familiar with this he doesn't know. It should be one way or another. Councilman Carl Thomas stated it should be uniform.

Supervisor Thomas agreed. Attorney Cooper stated what Peter did say, if you took the waterfront around Wilcox Lake, if that was privately owned that would be a big benefit to the town because they could assess it higher and so forth but its owned by the State and its remote and essentially you treated it like private land you would be dealing with it as a land locked parcel and the value would go down like a stone just because its remote and no contiguous public highway. He's not disagreeing with Councilman Carl Thomas he's just having trouble understanding this as anybody. Councilman Carl Thomas stated it's kind of immaterial to him at this point. We were talking about trying to improve our land schedule, make it more applicable to what we have and things like that. He discussed it with Peter last Fall, he didn't have an objection at that time, and he certainly has an objection now. When he says it's my program and stuff like that he puts that in quotes because that's Peter's terms.

Attorney Cooper stated he would like Peter to say what his objections are in 50 words or less. He does go into a level of detail which overwhelms him.

Councilman John Thomas asked if there were deeds on State property. An actual deed with the States starting point like any normal deed would be.

Councilman Carl Thomas stated on some parcels yes, on other parcels no. Councilman John Thomas stated the reason he asks this, within the last two months he has run into it twice. You take a 1969 County Map of a certain parcel, there was a couple he's been working on. One says 400 feet and this is road frontage, the next one will say 450 feet. So then you go to the 2000 County Map, that same two parcels, the one that said 400 feet now says 454 and the next parcel that had 450 feet now has 350 feet. So they had to go back to the deeds. One issue is people trespassing, thinking they own the property because they have this map that says its 400 feet, they never got the deed. So when you go back and pull up their deed the actual measurement turns out not to be 400 feet it's like 377 feet. So he is wondering if Peter or whoever is using these maps, if they're that far off, this is a 1.3 acre parcel, like a 10-acre parcel, if the maps are this far off on this how can you trust the maps depending on. So they line up with what's actually there is what his point is. When you have two small parcels that are that far off and change from 1969 to 2000 you can't go by just what the picture is because it's not what it is.

Attorney Cooper stated if there is an active dispute about boundaries, they do have a surveyor in Warrensburg. They send him out in the field to do what he's talking about, looking at the deeds.

Councilman John Thomas stated he is just saying if the picture has 12,000 acres, is there actually 12,000 acres or is there 13,000 or 15,000 acres. How many acres are actually there?

Attorney Cooper stated the more you deal with surveyors the scarier it gets. A lot of the State Land titles in the Adirondack's are aboriginal titles in the sense that they've been in government ownership since King George and other parcels the State has acquired over time. You look at the original Forest Preserve Map from the 1890's and most of those titles were aboriginal titles but the State has acquired a lot since then and they would have been by metes and bounds conveyances you would assume maybe. Some of them were a lot of winged, sloppy. But to give you an example. We live on a round world and when you try to map it you end up with little pieces of snip-it's that don't work. They're called "gores" and that's where Gore Mountain gets its name because it's in a middle of a gore, one of these snip-it's. The surveyor has to fudge in order to make a flat map of a round world. You could say it's a profession that's exact. A lot of times you end up arguing over opinions and how much weight you should give one thing or another. So the level of precision if you're talking about, you think it's desirable maybe it can be obtained if the State sends their surveyor out there or a private survey done, even then you might end up in court and the judge decides who's right.

Councilman John Thomas stated he was wondering if there was an actual deed on these State parcels. Attorney Cooper stated he would say no. Councilman John Thomas stated just a map and there's no deed that goes with it. Councilman Carl Thomas stated it's just what Attorney Cooper said, allot of them are land grants that go clear back into when they country was made. Some of them do, like the property's they brought off Finch Pryun. They have a deed, metes and bounds to it. With the tax maps they continually update those year by year they get surveys in and so they adjust these small parcels and they do it by scale and they do if they get a survey then that kind of determine that. A lot of your tax maps will give you an acreage, it will give you two acreage figures and one is computed by scale others have metes and bounds that will have acreage on it. So you will see a lot of parcels with two figures on it for acreage. The State does a lot of aerial photographs with a lot better define thing.

Councilman Nathan Thomas stated that's off a lot because what happens with that, like the Dump Road between Councilman John Thomas and their place it was a deeded right of way at eight feet and the roadside has increased to two-lanes which has never been updated on any tax map. Their deed for their property goes, that they own 1/3 of the width of the Dump Road. And he is sure if Councilman John Thomas surveyed his place out it would show the same. And eight foot down the middle of the road is actually what the town owns because that, and a lot of Hadley Road is deeded right of way. So whoever sits in the computer and computes these GIS systems, which is where all the Palmer Purchase lands are off 85 feet. If you go on the Warren County GIS. One example is the roadway going into Councilman John Thomas's Campground. Councilman John Thomas stated yes, if you take the double wide, you look at the aerial view it sits in the field. Councilman Nathan Thomas stated so all these lines, it's a computerized line, but it's based off where they started. So they probably started on the North boundary of Warren County and when they came to a road they gave it 20 feet and these are 16 feet right of ways. So if they gave 20 feet on every road North to South, by the time they get to Hadley, which is the Southern end, now we're off one fill parcel width on the GIS website. East and West lines are just as bad and whoever was entering this information and everything is plus and minuses. Even your deeds are plus and minuses and plus and minuses are 33 feet, one link of chain and it's you word versus the next guy that assesses your property. If there is a point that says 33 feet to the front step and there's no front step then you have to back trace deeds until you find a point that is there and measure from that point and beyond, but with the 122

lots breaking them up in to 122 parcels like Attorney Cooper says, how much are we going to lose, whereas all the State land grouped as one big lot is assessed as accessible verses having the nine lots on the road accessible and the 15 lots in the background as land locked,

Councilman Carl Thomas stated the 122 parcels is a figure that Peter came up with. There is not going to be any different parcels, your still going to have everything one tax map parcel but on each map when you have a gridline down around that, they will give you an acreage for that and they calculate that by scale. It's an indication, nothings perfect. It's immaterial to him, it seemed like a good idea at the time and he thought it seemed like a good idea in other areas.

Attorney Cooper stated he should footnote these comments in some respect, and that is not, too much weight should be placed on the county tax maps. Councilman John Thomas stated that's why he had to go back to the deed. Attorney Cooper stated the other problem he has alluding to is, if they're taken from aerial photographs, it depends on the camera angle and they will try to keep it within a certain degree of latitude, but there is a concept in photography called parallax and you will find allot of county tax maps show that the lines going through someone else's driveway or the side of their house and that's the reason.

Committee reports:

Parks: Supervisor Thomas reported he is in the process of changing the wire for the electrical entrance that come in from Lanfear Road. He had someone down there and looked at it three times now and back to where we thought we were last year. Hopefully next week or so it will be changed. Councilman John Thomas asked if it's the overhead. Supervisor Thomas stated yes. Councilman John Thomas asked if they narrowed it down to which pole. Supervisor Thomas stated it's from the corner to the pole by the dam. Councilman John Thomas asked if it was Nimo's feed or the towns. Supervisor Thomas stated it's the towns that feeds to the corner by Lanfear Road.

Buildings:

Supervisor Thomas reported the other thing he is working on is he will probably engage the people they brought the copier off from. They have a technician. He has to run a couple of wires. A wire to the Town Clerk's Office, one to the copier and one to get the internet straightened out so everyone can use it and everyone can use the printer also.

Councilman Carl Thomas asked if the old copier will be gone. Supervisor Thomas stated as long as it keeps working, Councilman Carl Thomas asked if we own that. Supervisor Thomas stated yes and we still have a maintenance contract, we pay so much a copy. As long as it keeps working and they fix it they will charge us.

Youth and Rec.

Councilman Nathan Thomas stated he talked with JoAnn briefly about the Youth Program., He hasn't had a chance to get a hold of Councilwoman Ryan to set up a meeting. He would like to do a meeting soon to meet with all the parties involved to figure out what's going on. He talked with Supervisor Thomas tonight and we haven't received any request payment from Cheyenne for any activities. Joann said she hasn't heard anything from her. Councilman John Thomas stated she hasn't been called. He talked to her the other night about that and no one has contacted her. Councilman Nathan Thomas stated so hopefully everyone can get together for a meeting and figure out the summer. Maybe set it up for next Tuesday July 22nd.

Highway:

Councilwoman Ryan stated she would like to get the county to fix the Warrensburg Road by Blanchard's she talked with Supt. Bradley also. The sides of the road are ripped up and a big hole is starting in the center of the road. Councilman Carl Thomas stated there is one in front of Jeannie Cavanaugh's also. Councilman John Thomas stated on Murray Road in front of Dale Colson's it's 3-4 levels deep. Supt. Bradley stated he told the county about that.

Councilwoman Ryan stated you can't avoid hitting the one on Warrensburg Road you're hitting it one way and also back the other way. Supervisor Thomas stated they are supposed to grind up part of that and fix it. He will talk to them.

New Business:

093-14. A resolution was made by Supervisor Thomas seconded by Councilman John Thomas
RESOLUTION URGING TIME WARNER CABLE, AND POTENTIAL NEW CABLE OPERATOR COMCAST, TO INCLUDE MOUNTAIN LAKE PBS AS PART OF FUTURE COVERAGE FOR WARREN AND WASHINGTON COUNTIES AS WAS ESTABLISHED BY THE UNIVERSITY OF THE STATE OF NEW YORK PROVISIONAL CHARTER FOR MOUNTAIN LAKE PBS.

WHEREAS, The University of the State of New York granted on December 20, 1968, pursuant to the provisions of sections 246 and 236 of the Education Law, in the counties of Franklin, Clinton, Essex, Warren, Washington and Hamilton, an educational corporation, Mountain Lake PBS, to provide educational and cultural television programming; and

WHEREAS, today the Mountain Lake PBS signal is not carried in Warren and Washington Counties; and

WHEREAS, Citizens in Warren and Washington Counties are deprived of Mountains Lakes PBS programming that is proprietary, unique and customized to the communities in its coverage area; and
NOW, THEREFORE, BE IT RESOLVED, The Town of Stony Creek strongly encourages Time Warner, and potential new cable operator Comcast, to include Mountain Lake PBS in future cable channel listings in Warren and Washington Counties; and

BE IT FURTHER RESOLVED, that the Town of Stony Creek shall forward copies of this resolution to Governor Andrew M. Cuomo, Senator Charles Schumer, Senator Kristin Gillibrand, Representative Bill Owens, Senator Betty Little, Assemblyman Dan Stec and all others deemed necessary and proper, asking for their support of this resolution.

Roll call vote, all in favor.

Councilman John Thomas asked if the list for the Music in the Park can be put on the Chamber's website.

094-14. A resolution was made by Councilwoman Ryan seconded by Councilman Nathan Thomas
Authorizing the following budget transfer:

Debit A6410.4 Occupancy Tax in the amount of \$626.94.

Debit A1990.4 Contingent in the amount of \$1073.06.

Credit A7550.4 Celebrations in the amount of \$1700.00.

Roll call vote, all in favor.

From the floor:

Attorney Cooper asked Supt. Bradley if he heard any news about State Route 418 repairs, it's really rough. Supt Bradley stated it has to be engineered, the road is their issue, as far as the bank they may do some shoring up there. But as far as the water he doesn't think they are going to touch it it's going to be up to DEC. That's what he heard. Attorney Cooper stated he was talking about the patching. Supt. Bradley stated the patching of the road, they aren't going to touch that anytime soon. He did complain enough where they did go and patch some holes this Spring, but they have no intention of fixing it anytime soon. Councilman John Thomas stated you would think that if this hasn't worked for three years with putting the box on and spreading blacktop that they would find a different way to waste blacktop.

A motion was made by Councilman John Thomas seconded by Councilwoman Ryan to adjourn the meeting at 7:58 PM all in favor, motion carried.

Respectfully submitted,

Susan Harrington, RMC
Town Clerk