

January 21, 2014

The regular Town Board meeting of the Town of Stony Creek was held on January 21, 2014.

Supervisor Frank 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

December 17, 2013 minutes:

A motion was made by Councilman Nathan Thomas seconded by Councilwoman Ryan to accept the December 17, 2013 minutes. All in favor, motion carried.

January 2, 2014 Organizational minutes; Corrections:

Page 110 resolution # 011-14 take out the roll call vote.

Page 115 change seal in to CON (Certificate of Need).

Page 116 change President to Fire Chief.

A motion was made by Councilwoman Ryan seconded by Supervisor Thomas to accept the January 2, 2014 minutes with these corrections. All in favor, motion carried.

035-14. A resolution was made by Councilman Nathan Thomas seconded by Councilwoman Ryan to pay the General December Final bills in the amount of \$4703.82. Roll call vote, all in favor.

036-14. A resolution was made by Councilwoman Ryan seconded by Councilman John Thomas to pay the Highway December Final bills in the amount of \$3563.27. Roll call vote, all in favor.

037-14 A resolution was made by Councilman Carl Thomas seconded by Councilwoman Ryan to pay the 2014 General Fund bills in the amount of \$21,665.26. Roll all vote, all in favor.

038-14. A resolution was made by Councilman Nathan Thomas seconded by Councilwoman Ryan to pay the 2014 Highway Fund bills in the amount of \$116,548.95.

Discussion: Supervisor Thomas stated a lot of that is because of the salt bill in the amount of \$42,798.38, Workers Compensation bill in the amount of \$20,436.00, Lease payment on the loader in the amount of \$24,752.53 and Warren Tire bill in the amount of \$4,247.78.

Supt. Bradley stated regarding the salt. He knows what is going on with it but there's not much he can do about it, in his opinion. The Board may have a different opinion. We had five pretty good ice; he doesn't know if you would call them storms. One in December and then four here recently. One storm was like \$10,000.00 worth of material. If someone has a better suggestion he would like to hear it. Yesterday (January 20<sup>th</sup>) they didn't have to plow and scrap all day. In the morning and afternoon he had them come in. He called three guys, two in the morning and three in the afternoon. All day they didn't have to touch the roads because the roads had been salted. They were burning fuel and cutting edges one day on the mess. That is one example where it did help. They are further into the sand pile then they were all year last year at this point. It's not like they are not using sand also. Roll call vote, all in favor.

039-14. A resolution was made by Councilwoman Ryan seconded by Councilman Nathan Thomas to pay the Fire Protection bills in the amount of \$6,626.80.

Discussion: Councilman John Thomas stated he assumes we didn't make any headway on the workers compensation of being billed twice. Supervisor Thomas stated not yet, no. They are telling him it's a local law and it's in the formula in the local law and you have to change the local law by the county. Councilman Nathan Thomas stated how is it they are billing compensation to two companies when there is only one company that exists.

Supervisor Thomas stated he doesn't know but they are. Councilman Nathan Thomas stated he knows he's been working on it but they only have one ID #. They are billing the same ID# twice. It doesn't seem legal.

Councilman Carl Thomas asked if it specifies what all that is or there isn't anything we can do about that is it? Supervisor Thomas stated not the town board. From what he understands it was back in 1999-2000 when they enacted the local law.

Councilman Carl Thomas asked who enacted this. Supervisor Thomas stated the county did, that was the formula they came up with at the time. That's what he has been told and they are sticking to it. He already told him he wants some money back, whether we are going to get it or not that's another story. Roll call vote, all in favor.

Town Clerk report:

Certified Marriage copy	<u>\$ 10.00</u>
Total Town Clerk fees	10.00
Dog Licensing	<u>90.00</u>
Total Town Revenues to Supervisor	\$100.00
NYS Agriculture and Markets	<u>18.00</u>
Total Disbursed	\$118.00

Correspondence:

Dog Control Log for December 2013

Stony Creek Free Library-permission to use the town hall February 14, 2014 from 6-9 PM for the second of four winter concerts also requesting \$300.00 of Occupancy Bed Tax monies for the upcoming photography show on February 21, 2014.

A motion was made by Councilman Nathan Thomas seconded by Councilwoman Ryan authorizing the Stony Creek Free Library to use the town hall on February 14, 2014 for the second Winter Concert Series. All in favor, motion carried.

040-14. A resolution was made by Councilman John Thomas seconded by Councilman Carl Thomas authorizing the expenditure of bed tax monies in the amount of \$300.00 to the Stony Creek Free Library for the upcoming photography show on Friday February 21, 2014. Funds will be used to cover the cost of advertising, live music and refreshments. Roll call vote, all in favor.

Old business:

041-14. A resolution was made by Councilman Nathan Thomas seconded by Councilwoman Ryan authorizing the Supervisor to sign the LARAC Contract for the Summer Concert Series in the amount of \$1518.00. Roll call vote, all in favor.

Francis Dean Heritage Trails; Interpretive signage:

Supervisor Thomas reported he received the proofs; he hasn't approved them he wanted the Town Board to look at them before he did that. This is from Stony Blue Art and Designs. The next step would be to approve the proofs and they will be sent to Fossil Manufacture and they will mock it up again and there will be another opportunity to approve them.

Fire Co. Service Award:

Supervisor Thomas reported he received the fire co.'s Service Award Data from Ashley Black this is the town boards opportunity to review it and if it looks fine it will need to be signed by the Town Board Members.

Supervisor Thomas asked if anyone was going to the Association of Towns Annual Meeting in NYC February 16-19<sup>th</sup>. Councilwoman Ryan stated she maybe able to go, she will check and get back to the Supervisor.

042-14. A resolution was made by Supervisor Thomas seconded by Councilman Nathan Thomas naming Councilwoman Doreen Ryan as the Voting Delegate at the Association of Towns Annual Business Session in NYC on February 19, 2014. Roll call vote, all in favor.

Committee Reports:

Cemeteries; Dean Cemetery:

Councilman John Thomas stated he has a question for the attorney. They wouldn't be doing it until Springtime, but as far as the Dean Cemetery we discussed it before, it's bigger then it was suppose to be. Right now he owns the property the rest of the cemeteries on. How is the best way to sign that over to the town? That's what he's hoping to do in the Springtime if it's acceptable with the Board. Attorney Cooper stated where they left it was you were going to go out there with someone from the committee and do a meets and bounds. It doesn't have to be to exact, you just pace it off and maybe set monuments or a stack of stones on the corners then you could issue a Quick Claim Deed to the town using that description then it would end up being town property, assuming the Board accepts his deed. He thinks we are legally responsible for it now and the question of who owns the dirt is kind of academic because you can't do anything there because it's a public cemetery. He assumes the Board would accept to do it that way.

There will be minor filing fees of the deed and related papers; it will probably be a little over \$300.00. The Board would have to approve that expense too.

Councilman John Thomas stated he was wondering who the expense would be on because right now it states 100 x 200; it doesn't even state where it says as far as measurements from anything. He was under the assumption we didn't have to get to complicated as long as we just add to the size of it. Supervisor Thomas stated right.

Attorney Cooper stated maybe you could use a utility pole or some point of reference. Measure from that then say beginning at 250 feet to Southwest from telephone pole # such and such.

Councilman John Thomas stated right. Attorney Cooper stated it's not going to stay there forever but it gives us something now to know what we are talking about.

#### Landfill:

Supervisor Thomas reported that two people from the Department of Environmental Conservation were at the landfill last Friday looking at the water test wells. He doesn't know what they were up to but he assumes its tied to the waiver the town is seeking from DEC. Councilwoman Ryan asked if there was something bought up about the brush? Supervisor Thomas stated yes. They said to Mr. Fisher that they see he was burning brush. Mr. Fisher said yes and they thought that was a violation. Supervisor Thomas stated to his recollection they lifted the ban and they didn't inform him any different. They said it wasn't their department so they were going to contact whoever. Councilman Carl Thomas asked if this is for outside burning? Supervisor Thomas stated yes. Councilman Carl Thomas stated he thinks right now, he knows after Mr. Gunther retired he wanted to get a permit, they don't have anybody in this area you have to go to Ray Brook. They said burning was all right between certain months. Supervisor Thomas stated right; there is a couple months in the Spring. You can get a burning permit from the Town Clerk. Councilman John Thomas stated Susie (Town Clerk) issues the permits right? The Town Clerk stated yes. Supervisor Thomas stated they had a problem with Municipalities burning brush, they lifted the ban at least two years ago. Attorney Cooper stated after Hurricane Irene. Supervisor Thomas stated so we started burning brush again and he wasn't told any different. He doesn't understand why it's a problem for the municipality to burn brush and it's not a problem for anyone else.

#### New Business:

##### Highway; Safety Program:

Supervisor Thomas stated that Warren County Self-Insurance does a Safety Program and throughout the year they have different types of courses and if you go to enough of them you get a certificate. He thinks its something the town should pursue before we get a visit from PASH or somebody. What he is asking from the Board is how do they want to approach it. Should we appoint a Safety Officer? These courses go throughout the year. They are done through Self-Insurance. The County hired a company Needham Associates that actually does the training. The courses run from January 16, 2014 to December 10, 2014.

Councilman Nathan Thomas asked if they are held locally. Supervisor Thomas stated some are held at the Human Services Building, SUNY Adirondack, and thinks some are held at Queensbury High School. Councilman Nathan Thomas asked if this is for all employees. Supervisor Thomas stated that's what he is asking maybe we should send one person and he can come back and teach the rest of them or send all of them. Supervisor Thomas stated some of them would probably be good and read off the list of courses. Councilman John Thomas gets a lot of notifications from the County through the Fire Dept. There is some they will be doing. Some will be going from the Fire Dept. Councilman Carl Thomas asked if this is a training type thing. Supervisor Thomas stated yes. It's a Safety Certificate Program. They have core courses and elective credits. Participants must complete three core-course credits and three elective credits for a total of six credits to get this certification.

Councilman Carl Thomas asked if this would be on an individual basis. We would need a Safety Officer or it would be like an individual made available to them. Supervisor Thomas stated that's what he was asking if we thought we should send a majority of the workers or if we should elect one. Or have Supt. Bradley pick one or send one. The Driver Improvement Class might pertain to all of them.

Councilman Nathan Thomas asked if there was a Safety Program at the highway at this time. Supt. Bradley stated yes, we do a little. If he had to pick one, none of them would do it unless he made them do it. As far as Patrick was concerned they just wanted something even if it was in-house done.

Supervisor Thomas stated this is offered and most of it is free except for the CPR. Supt. Bradley stated Cornell has the tapes and they can get them for free and go that route also. They did that before. Getting them all out of town would be a chore. Supt. Thomas stated to send them all wouldn't be necessary. Supt. Bradley stated First Aid and CPR is due.

Councilman Nathan Thomas asked if Supt. Bradley didn't think he would have anyone interested in doing it. Supt. Bradley stated he knows he wouldn't.

Councilman John Thomas stated Warren County has really been pushing this. They were pretty good last year. Councilman Nathan Thomas stated this self-insured, if someone got hurt it would cost us. Supervisor Thomas stated that's their reason for pushing this to try to keep the workers compensation claims down. We have been fairly good in that category; there have been a couple. Attorney Cooper stated you might want to look at the Collective Bargaining aspect of this. Sending a Town Highway Employee off to do a task that is not described in the Bargaining Agreement might find we're looking at a grievance or something.

Councilman John Thomas stated the way he understood this from the fire co.'s standpoint is they wanted somebody to go there and then come back and basically train the rest of your personnel. That's the way these programs are geared at. Supervisor Thomas stated yes and he thinks that's what this is for, for the most part. Maybe the Driver Improvement Class because they have it multiply times. Councilwoman Ryan asked if multiply people can get up to six credits or is it just one person getting six credits. Supervisor Thomas stated multiply can, he believes.

Councilman John Thomas asked Supt. Bradley if they usually have the CPR? Supt. Bradley stated his dad (Stan Ross) usually gave it to them. He doesn't know who will do it now.

Councilman Nathan Thomas stated he has a list of names. Councilman John Thomas stated they just did it at the firehouse. They have a guy who does it for quite a bit less than what they had to pay last year. Supt. Bradley stated he wished we could get it done for free. Councilman John Thomas stated free is good. Councilman Nathan Thomas stated it's about a \$300.00 course to become an instructor and he is looking into it right now. Hopefully we can get it in town for free again.

#### Francis Dean Farm Heritage Trails:

Councilman Nathan Thomas stated we discussed in the past the property of the heritage trails. He knows there is a lot of ATV's and snowmobile use. Right now we have snow enough but come Springtime a lot of trails get thin. Right now he doesn't think a lot of the trails have been used as far as ATV's or snowmobiles but he knows the field on the opposite side of the road. He was wondering about liability issues and so forth. NYS Trails they need to be registered and insured. He wasn't sure if that was anything they were going to. Supervisor Thomas stated he doesn't know if they are going to allow ATV's on these trails anyway, as far as that goes. It would have to be a discussion between the Town and the ESF Foundation. Councilman Nathan Thomas stated he didn't mean for use of ATV's. He's saying the field has a lot of ATV tracks on it now. Supt. Bradley stated it's across the street from the trailside. Supt. Bradley and Councilman Nathan Thomas stated they know who it is.

Councilman Nathan Thomas stated its just there is a lot of traffic. Supt. Bradley stated he warned then and told them they are causing trouble. Councilman Nathan Thomas stated there's been one or two that jumped the left hand side of the road and one drove around the posted sign. It's something to be aware. He has talked to them. He wasn't sure about the liability reason, those being code of ESF. He knows snow being as hard as it its when you wreck you could take a helicopter ride.

Supt. Bradley stated also with the mine down there, there are a lot of tracks down there also. They have signs up but there is a pretty big bank there if anyone went over it. Maybe more posted signs will need to be put up. Supervisor Thomas stated he isn't sure that ESF wants to post this property. That might be a problem because it is their property. Councilman Nathan Thomas stated you can let them know how it's being used. Supervisor Thomas stated they could find out between the two of them, he isn't sure their agreement exactly addresses that particular situation. He knows the town has the authority to do something about it, call the police or whatever.

Councilman Carl Thomas stated that's in the area of the historical property. Supervisor Thomas stated right. Councilman Carl Thomas stated but it's not the historical society house. Supervisor Thomas stated right they are partially a partner in the project. The parking lot is actually on historical property. Councilman Carl Thomas stated the field is another thing. Supervisor Thomas stated right. The Haskell's left about 18 acres to the historical society and left the rest of the property to SUNY ESF Foundation.

Supervisor Thomas reported the Town Board Members were given the Investment and Procurement Policies for review and will be tabled and discussed at the February Town Board Meeting.

Supervisor Thomas stated that on February 18, 2014 the Annual Settlement Day Meeting would be held after the Town Board meeting. This is to review the books of the Town Justice, Supervisor, Town Clerk, and the Tax Collectors.

043-14. A resolution was made by Councilman Nathan Thomas seconded by Councilwoman Ryan authorizing the following 2013 Prepaid Expenses to 2014 Expenditures budget transfer:  
Debit A9010.8 State Retirement in the amount of \$13,046.70.  
Credit Prepaid Expense in the amount of \$13046.70. Roll call vote, all in favor.

044-14. A resolution was made by Councilwoman Ryan seconded by Councilman John Thomas authorizing the following 2013 Prepaid Expenses to 2014 Expenditures budget transfer:  
Debit DA9010.8 State Retirement in the amount of \$19,570.05.  
Credit Prepaid Expenses in the amount of \$19570.05. Roll call vote, all in favor.

045-14. A resolution was made by Councilman John Thomas seconded by Councilman Carl Thomas authorizing the following 2013 unused Occupancy Tax budget transfer:  
Debit Fund Balance in the amount of \$42,155.23  
Credit A6410.4 Occupancy Tax in the amount of \$42,155.23. Roll call vote, all in favor.

046-14. A resolution was made by Councilman Nathan Thomas seconded by Councilwoman Ryan authorizing the following 2013 Unused Special Recreation Facility budget transfer:  
Debit Fund Balance in the amount of \$11,000.00  
Credit A7180.2 Special Recreation in the amount of \$11,000.00. Roll call vote, all in favor.

047-14. A resolution was made by Councilwoman Ryan seconded by Councilman Carl Thomas authorizing the following budget transfer:  
Debit A1355.4 Assessor Contractual in the amount of \$87.44  
Credit A1330.4 Tax Collector Contractual in the amount of \$87.44. Roll call vote, all in favor.

048-14. A resolution was made by Councilman Carl Thomas seconded by Supervisor Thomas authorizing the following budget transfer:  
Debit SF3410.8 Fire Protection Benefits in the amount of \$27,000.00  
Credit SF9025.8 Fire Protection Service Award in the amount of \$19,473.20  
Credit SF9040.8 Fire Protection Workers Compensation in the amount of \$6,626.80  
Credit SF9045.8 Fire Protection Life Insurance in the amount of \$900.00.  
Roll call vote, all in favor.

From the floor:

Attorney Cooper stated at the December meeting he misinformed the Board and the public with regards to some aspect of the Safe Act. He spoke out of turn and that is something the lawyer shouldn't do. He made a photocopy of the information from the State website with regard to identifying the rifles and the aspects of the rifles that kick into the category of being an assault weapon. This was given to the Town Clerk if anyone wants to look at it or get a copy. If you want to do your own research on-line there is a lot of stuff relating to the NY Safe Act but specifically the Penal Law Section 265.22 is where these weapons are described and Section 265 of the Penal Law deals with prohibited weapons like brass knuckles, switchblade knives, and so forth and these are grouped in the same category of dangerous instrumentalities as machine guns and that type of thing. If you have any questions you can do your own research or the Town Clerk will make a copy for you.

A motion was made by Councilman John Thomas seconded by Councilman Carl Thomas to adjourn the meeting at 7:54 PM. all in favor, motion carried.

Respectfully submitted,

Susan Harrington  
Town Clerk