

December 21, 2010

The regular Town Board meeting of the Town of Stony Creek was held on December 21, 2010. Supervisor Thomas called the meeting to order at 7:02 PM with members present:

Councilman Dale Aldrich

Councilman William Liebl

Councilman Harry Paul Gill

Attorney James Cooper

Absent: Councilman Stanley Ross

November 16, 2010 minutes.

A motion was made by Councilman Aldrich seconded by Councilman Gill to accept the November 16, 2010 minutes. All in favor, motion carried.

November 30, 2010 minutes.

A motion was made by Councilman Gill seconded by Councilman Aldrich to accept the November 30, 2010 minutes. All in favor, motion carried.

The notice on Local Law #1 of 2010, "Dog Control Law of the Town of Stony Creek," published in the Post star was read.

7:05 PM. Supervisor Thomas opened the Public Hearing on the revised Local Law # 1 of 2010 "Dog Control Law of the Town of Stony Creek".

Being no comments the hearing was left open.

122-10. A resolution was made by Councilman Aldrich seconded by Councilman Gill to pay the General Fund bills in the amount of \$15,471.25. Roll call vote, all in favor.

123-10. A resolution was made by Councilman Liebl seconded by Councilman Aldrich to pay the Highway Fund bills in the amount of 4,860.76.

Discussion: Councilman Aldrich asked about the NAPA bill. Ronda stated we had the original bill last month but Neil didn't have the slips. Councilman Aldrich stated the slips to correspond with it. Ronda stated we paid what we had. Councilman Aldrich stated we did talk about that at that time.

Supervisor Thomas stated he had a question on the Tractor Supply bill in the amount of \$110.88. It said trailer repair, he was curious about what trailer we were repairing.

Town Clerk report:

Conservation Licenses	\$6.28
Dog Licenses	<u>19.13</u>
Total Town Revenues to Supervisor	25.41
County Treasurer for dog licenses	5.87
NYS Ag & Markets	3.00
NYS Environmental Conservation	<u>219.72</u>
Total Disbursed	\$254.00

Correspondence:

Dog Control Log-November 2010

Stony Creek Chamber of Commerce-asking the Town to provide plowing to clear the road berm to allow access to the ATM which is placed in an enclosed space at the Stony Creek Inn.

Stony Creek Library- permission to use the town hall on Saturday February 5, 2011 from 8:00AM to 3:00PM and have access to the town hall on Friday February 4, 2011 to set up, prepare, and host the Book and Bake Sale Fundraiser.

Town of Hague-resolution #72 of 2010 that the Warren County Board of Supervisors explore the formation of a group of Warren County towns for the purpose of obtaining health insurance.

Association of Towns-Property Cap Urgent action requested.

A motion was made by Supervisor Thomas seconded by Councilman Aldrich authorizing the Stony Creek Free Library to use the town hall on February 4th and 5th to set up, prepare and host the Book and Bake Sale Fundraiser. All in favor, motion carried.

7:11 PM. being no comments on Local Law # 1 of 2010 Supervisor Thomas closed the public hearing.

124-10. A resolution was made by Councilman Aldrich seconded by Councilman Liebl to adopt Local Law #1 of 2010 Dog Control Law of the Town of Stony Creek.

Section 1: Purpose:

The Town Board of the Town of Stony Creek finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs has caused physical harm to persons, damage to property and have created nuisances within the Town. The purpose of this Local Law is to protect the health, safety and well being of persons and property by imposing restrictions on the keeping and running at large of dogs within the Town.

Section 2: Authority:

This Local Law is enacted pursuant to the provisions of (*Article 7, Chapter 59; Part T*) of the Agriculture and Markets Law and the Municipal Home rule Law of the State of New York.

Section 3: Title:

The title of this Law shall be Dog Control Law of the Town of Stony Creek.

Section 4: Definition of Terms:

As used in this Local Law the following words shall have the following respective meanings:

(a) "Dog" means male and female, licensed and unlicensed, members of the species canines familiars.

(b) "Owner" means person entitled to claim lawful custody and possession of a dog who is responsible for purchasing the license for such dog unless the dog is or has been lost, and such loss was promptly reported to the dog control officer and a reasonable search has been made. If a dog is not licensed, the term owner shall designate and cover any person or persons, firm, association, or corporation, who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any dog which is kept, brought or comes within the Town. Any person owning or harboring a dog for a period of one (1) week prior to filing any complaint charging a violation of this Local Law, and is under 18 years of age, the head of the household in which said minor shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog in violation of this Local Law.

(c) "Run at Large," means to be in a public place or on private land without knowledge, consent, and approval of the owner of such lands.

(d) "Town" means the Town of Stony Creek.

(e) Dog Control Officer a person or persons appointed by the Town for the purpose of enforcing this Local Law.

Section 5: Restrictions:

It shall be unlawful for any owner of any dog in the Town to permit or allow such dog to:

(a) Run at large unless the dog is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of the Local Law, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.

(b) Engage in habitual and loud howling, barking, crying or whining or conduct as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.

(c) Uproot, digs, or otherwise damages any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner.

(d) Chase, jump upon or otherwise harass any person in such manner as to reasonable cause intimidation or fear or to put such person in reasonable apprehension of bodily harm.

(e) Habitually chase, run alongside of or bark at motor vehicles, motorcycles or bicycles while on a public street, highway, or place, upon private property without the consent or approval of the owner of such property.

(f) Create a nuisance by defecating, urinating or digging on public property, or on private property without the consent or approval of the owner of such property.

(g) If a female dog, when in heat, be off the owner's premises, unrestrained by a leash.

(h) Conditions for keeping dogs. All premises occupied or used by dogs shall be kept in a clean sanitary condition. Failure to provide adequate food, water or space shall subject dogs to seizure and confinement. Adequate shall mean sufficient for ages, size and number of dogs on the premises. Upon conviction of the owner or harbinger, the dogs become the property of the Town of Stony Creek to be released to an authorized humane society, veterinarian or kennel for adoption or euthanasia.

Section 6: Licensing of Dogs:

(a) All dogs in the Town of Stony Creek must be licensed with the Town Clerk by the age of 4 months and are required to present a current Certificate of Rabies Vaccination at the time of licensing or the renewal of an existing license.

(b) Dogs licensed in another jurisdiction and are current with their vaccination for rabies will not be required to be licensed in the Town of Stony Creek providing proof of license and vaccination is available.

(c) All Dogs Licenses will be for a period of one year and will expire at the end of the month one year from the date of issue.

(d) Fees for Licensing of Dogs:

- The fee for a spayed or neutered dog will be \$6.00, (which included the assessment of a \$1.00 surcharge for the purpose of carrying out animal population control) and
- The fee for an unspayed or unneutered dog will be \$18.00, (which included the assessment of a \$3.00 surcharge for the purpose of carrying out animal population control)
- Replacement Tag Fees shall be \$2.00.

- Such fees shall be reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.
- (e) Enumeration fee: When the Town Board determines the need for a dog enumeration, a fee of \$5.00 will be assessed to all dogs found unlicensed or not renewed at the time the enumeration is conducted.
- (f) Purebred License: The Town of Stony Creek will not be issuing Purebred or Kennel Licenses. All dogs will be licensed individually as per fee system stated above.
- (g) Service Dogs: The Town of Stony Creek will not require a license for any guide dog, service dog, hearing dog or detection dog.
- (h) The Town of Stony Creek does not allow the licensing of dogs by a shelter. The shelter MUST send the adoptive dog owners to the Town Clerk of the Town or City in which the dog will be harbored for licensing OR to the Town Clerk of the Town of Stony Creek, where the Shelter is located for the purchase of the license for adoption purposes.
- (i) All dog licenses may be purchased by visiting the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be NO refund of fees.
- (j) All fees will be used in funding the administration of the Dog Control Law of the Town of Stony Creek.
- (k) Fees for Seizure of Dogs: The fee for seizure and impoundment of dogs in violation of this law or the Laws of the New York State Department of Agriculture and Markets Law are as follows:

- First Offense: The same impoundment and euthanasia fees per animal that are charged to the town for such service.
- Second Offense: \$60.00 plus the impoundment and euthanasia fees per animal.

Section 7: Procedure for Seizure of Dogs:

- (a) The Dog Control Officer or any Peace Officer shall seize:
- Any unlicensed dog whether on or off the owner's premises;
 - Any dog not wearing a tag, and not identified and which is not on the owner's premises.
 - Any dog found in violation of paragraphs (a)-(h) of Section 5 of this Local Law.
 - Such seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of Agriculture and Markets Law, and see that the order of the Town Justice of the Town of Stony Creek in such case is carried out.
 1. If a dog seized is not wearing an identification tag (license tag), it shall be held for a period of no less than five days.
 2. If a dog seized is wearing an identification number, the owner shall be promptly notified either in person or by certified mail. If the owner is notified in person the dog shall be held for a period of no less than seven days. If notified by mail no less than nine days.
 3. If not redeemed, the owner shall forfeit all title to the dog and it shall be released to an authorized humane society or kennel to be adopted or euthanized.
- (b) The Dog Control Officer or Peace Officer observing a violation of this Law in their presence shall issue and serve an appearance ticket for such violation. Said Law should be considered a Petty Offense and not a Misdemeanor.

(c) Any person who observes a dog in violation of this Local Law may file a signed complaint under oath with the Town Justice of the Town of Stony Creek or the Dog Control Officer, or any Peace Officer specifying the nature of the violation, place (s) the violation occurred, the date thereof, a description of the dog and the name and a residence, if known, of the owner of such dog. Such complaint may serve as a basis for enforcing the provisions of this Local Law.

(d) Record of Seizure: Upon taking custody of any animal, the Dog Control Officer, or any Peace Officer shall make a record of the matter. The record shall include date of pickup, breed, general description, sex, identification numbers, time of pickup, location or release and name and address of owner, if any.

Section 8: Penalties:

- Any person convicted of a violation of this Local Law shall be liable for a civil penalty of Twenty-five Dollars (\$25.00) for a first violation;
- Fifty Dollars (\$50.00) for a second violation and
- Seventy-five Dollars (\$75.00) for each subsequent violation.

Section 9: Enforcement:

The Dog Control Officer of the Town of Stony Creek shall, and all Peace Officers may, administer and enforce the provisions of this article and for that purpose shall have the authority to issue appearance tickets and to seize dogs, either on or off the owners premises, if witnessed to be in violation of this article.

Section 10: Impeding Dog Control Officer Unlawful:

No person shall hinder, resist or oppose the Dog Control Officer or Peace Officer authorized to administer or enforce the provisions of this Local Law in the performance of the officer's duties under this law.

Section 11: Separability:

Each separate provision of this Local Law shall be deemed independent of all other provisions herein and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 12: Repealer:

This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the control of dogs within the Town of Stony Creek, and they shall be upon the effectiveness of this Local Law, null and void.

Section 13: Effective Date:

This Local Law shall be effective January 1, 2011 after filing with the Secretary of State.

Roll call vote, all in favor.

Town Historian:

Cynthia Cameron presented the Town Board with a photo album of the construction of the bridges on Grist Mill Road and Warrensburg Road.

Mrs. Cameron was also present to do an update on the Warren County Bi-Centennial Committee. They had three meetings so far at the county building. Their intent is for the year 2013 to celebrate the Bi-Centennial. They will be working with Warren County, all the towns in the county and the historical society. They are going to do a concept throughout the school district. The first thing they wanted was to locate the Bi-Centennial Marker in the town, take a picture of it, find out what shape it is in, repair them if needed.

We have the Fall Festival and different things going on, they want to elaborate on that, they also want to tie in county events.

They are working on a 80 page booklet, they want to highlight each town and do a little history of that, they also want to do a traveling exhibit that will go through the county. They are talking about a parade. One of the things they want to do is presentation. They would like to do one in 2011, year 2012 it will be a little more and 2013 will be the Bi-Centennial. They are talking about going to Crandall Park.

They made her the coordinator for the historians in all the towns. They being all there information to her and she is going to do a calendar of events. She has been in contact with the library, chamber, campgrounds, fire co. boy and girl scouts, church, 1000 Acres, Seniors 50 Plus Club.

They are also talking about doing a street band, cancellation stamp, medallions, and posters. Some of the ideas Queensbury, which is the biggest, has the 250th Anniversary, a parade with re-enactors, military tours, history enhancements. One of the things she thought she would so here is spotlight a settler her from town and do a presentation for our part and then the town could use their website to keep people updated on what is going on. Mrs. Cameron will keep the Town Board updated on the progress and if there is anything the Board would like brought back they can let her know.

Equipment:

125-10. A resolution was made by Supervisor Thomas seconded by Councilman Aldrich to re-advertise for bids on the 1986 Ford L9000 Single Axle highway plow, wing, and sander with a minimum bid of \$7000.00 and to also receive separate bids for a used stainless steel sander for a single axle truck.

Roll call vote, all in favor.

Highway:

Reimbursement for the work done by the highway dept. at the Dean Farm Heritage Trails parking lot: Supt. Bradley gave Supervisor Thomas a bill for the labor, loads of dirt and use of equipment in the amount of \$1991.40.

126-10. A resolution was made by Councilman Aldrich seconded by Councilman Liebl to reimburse the highway department for labor, loads of dirt, use of equipment for the construction of a parking lot at the Dean Farm Heritage Trails on Murray Road in the amount of \$1991.40.

Funds will be transferred as follows:

Debit A6410.4 Occupancy Tax in the amount of \$1991.40

Credit DA5031 Highway Revenue Interfund Transfer in the amount of \$1991.40.

Roll call vote, all in favor.

Chamber of Commerce:

Request that the town provide plowing of the road berm left by the snowplows to allow access to the ATM that is placed on the Hadley Road entrance of the Stony Creek Inn.

127-10. A resolution was made by Councilman Liebl seconded by Councilman Aldrich that the Stony Creek Town Highway Department provide plowing and cleaning out the access for the ATM machine placed at the Stony Creek Inn. Roll call vote, all in favor.

Wolf Pond Stables:

Request of bed tax funds in the amount of \$299.00 for the maintenance fee of their website.

128-10. A resolution was made by Councilman Aldrich seconded by Councilman Liebl authorizing the expenditure of 50% of the \$299.00 requested from Bed Tax monies to the Wolf Creek Stables Wolf Pond Road, for website design and Internet marketing, with the stipulation that there be a link made to the Stony Creek Chamber of Commerce and the Town of Stony Creek as with being the same manner given to the Stony Creek Campground in July 2010. Roll call vote, all in favor.

129-10. A resolution was made by Supervisor Thomas seconded by Councilman Aldrich to enter into the Memorandum of Agreement with the Town of Stony Creek Establishing the Adirondack Partnership

This agreement dated December 21, 2010 is between local governments within the Adirondack Park, New York State agencies, and other cooperating parties with an interest in benefiting Adirondack Park communities, their economies and the environment,

WHEREAS, maintaining and enhancing the strength of Adirondack communities is essential to the economic well-being and quality of life of residents of the Adirondack Park and the experience of visitors to the Adirondack Park;

WHEREAS, numerous cooperating parties, including the local governments within the Adirondack Park, various New York State Agencies, and various not-for-profit organizations share the responsibilities, interests and benefits of advancing sustainable communities;

WHEREAS, many of the parties to this agreement have participated in a host of regional efforts including Common Ground Alliance Forum, which has established a cooperative basis for identification and advancement of key Adirondack priorities by the diverse stakeholders within the Adirondack Park; and

WHEREAS, the Parties hereto are desirous of continuing to work together on a cooperative basis in order to maintain communication among the Parties and to establish a forum where local governments, state agencies, and non-profit organizations can coordinate public-private efforts to advance Adirondack priorities,

WHEREAS, the Partnership would have no approval or review function for actions proposed or undertaken by the individual members, or other organizations and beyond serving as a cooperative forum, The function of the Partnership is to agree upon annual and long-term priorities for advancing Adirondack community sustainability, including applications submitted on behalf of the Partnership to implement these priorities.

NOW, THEREFORE, BE IT RESOLVED, that the Parties hereto agree to create and participate in the Adirondack Partnership (“the Partnership”);

THAT the Partnership shall be comprised of one designated representation of each signatory party and chaired at its inception (up until the first convening) by a designee to be named by the Adirondack Association of Towns and Villages. The Partnership will subsequently be chaired by a Partnership member selected by vote of the signatory representatives, as described in the Operating Procedures.

THAT each Party may, at its pleasure, change its representative to the Partnership from time to time;

- THAT the Partnership will;
- a. develop a long-term implementation plan of priority actions to support and enhance sustainable Adirondack communities;
 - b. Advance implementation items from the long-term implementation plan;
 - c. Periodically establish review, and update priority actions for enhancing sustainable communities;
 - d. Identify funding priorities for consideration by members when applying for grants and other financial assistance;
 - e. Periodically review implementation activities undertaken to support and enhance sustainable communities;
 - f. Facilitate coordination of member's efforts and sharing of information to advance sustainable Adirondack communities;
 - g. Approve an annual work plan and budget for the Partnership;
 - h. Convene an annual forum for the purpose of reviewing past accomplishments and discussing actions needed to further support and enhance sustainable communities;
 - i. Establish sub-committees, as needed;
 - j. Adopt bylaws and procedures for the conduct of its business, as necessary.

THAT the following actions will be presented to the full Partnership by the Chair for discussion and acceptance by a majority vote of the Partnership members:

- a. A long-term implementation plan to support and enhance sustainable Adirondack communities, a list of priority actions to be undertaken to implement the plan, and status reports on progress made to implement the plan;
- b. Work program for the Project Manager, and any amendments;
- c. Grant applications submitted to implement the work program and priorities of the Partnership; and
- d. Correspondence, press releases, speeches, or other communication that represents the policy of the partnership or that sets a direction for the Partnership.

THE Parties signing this Agreement represent that they have been duly authorized to enter in this Agreement, pursuant to their respective lawful authorities.

BE IT RESOLVED, that the Town of Stony Creek agrees to create and participate in the Adirondack Partnership AND BE IT FURTHER RESOLVED that the Town Supervisor is authorized to execute the Memorandum of Agreement to establish the Adirondack Partnership consistent with the terms and provisions of this resolution.

Roll call vote, all in favor.

130-10. A resolution was made by Councilman Aldrich seconded by Councilman Gill that that Warren County Board of Supervisors explore the formation of a group of Warren County Towns for the purpose of obtaining health insurance.

WHEREAS, the Town of Stony Creek and other small towns find the cost of health insurance onerous, and

WHEREAS, small group health insurance premiums are more susceptible to major claims than larger group policies, and

WHEREAS, larger groups can get the lower monthly premiums available because insurance premiums are based in part on the number of people in the plan more people means a better rate, and

WHEREAS, a larger group will gain the actuarial power of belonging to a large group for health insurance purposes,

NOW THEREFORE BE IT RESOLVED, that the Warren County Board of Supervisor take the initiative to implement this resolution.

Roll call vote, all in favor.

The Association of Towns proposed opposing the tax cap will be tabled until the December 30th meeting.

Supervisor Thomas asked if anyone was going to the Annual meeting in New York City. Councilman Liebl asked if Supervisor Thomas and Ronda were going. Supervisor Thomas stated yes. Councilman Liebl stated that Peter LaGrasse usually attends also.

The cutoff date for purchasing is December 23, 2010.

A special meeting will be held on December 30th, 2010 at 6:30 PM to pay all outstanding 2010 bills.

The Organizational meeting will be held on January 4th, 2011 at 6:30 PM.

From the floor:

A motion was made by Councilman Aldrich seconded by Councilman Gill to adjourn the meeting at 8:09 PM. All in favor, motion carried.

Respectfully submitted,

Susan Harrington
Town Clerk