

October 18, 2011

The regular Town Board meeting of the Town of Stony Creek was held on October 18, 2011. Supervisor Thomas called the meeting to order at 7:22 PM.

Members present: Councilman Stanley Ross
Councilman William Liebl
Councilman Harry Paul Gill
Attorney James Cooper

Absent: Councilman Dale Aldrich

September 20th, 2011 minutes:

A motion was made by Councilman Ross seconded by Councilman Gill to accept the September 20th, 2011 minutes with this correction. All in favor motion carried.

Councilman Liebl stated that on the Resolutions it says he was absent and he was present.

Oct. 19th-After listening to the tape Councilman Liebl was absent. Corrections will be made on page 85 under members present and page 91 Resolution 103.

October 4th, 2011 minutes. A motion was made by Supervisor Thomas seconded by Councilman Gill to accept the October 4th, 2011 minutes. All in favor, motion carried.

October 11th, 2011 minutes. A motion was made by Councilman Ross seconded by Councilman Gill to accept the October 11, 2011 minutes. All in favor, motion carried.

107-11 A resolution was made by Councilman Ross seconded by Councilman Gill to pay the General Fund bills in the amount of \$6,350.02. Roll call vote, all in favor

108-11. A resolution was made by Councilman Liebl seconded by Councilman Ross to pay the Highway Fund bills in the amount of \$17,164.57. Roll call vote, all in favor.

109-11. A resolution was made by Councilman Gill seconded by Supervisor Thomas to pay the Fire Fund bill in the amount of \$2500.00. Roll call vote, Councilman Ross-Abstain, Councilman Liebl-Yes, Councilman Gill-Yes, Supervisor Thomas-Yes.

Town Clerk Report:

Conservation licenses	\$73.61
Dog enumeration	25.00
Fax	3.00
Marriage License	17.50
Copies	<u>2.25</u>
Total Town Clerk fee	\$121.36
Dog Licenses	<u>135.00</u>
Total Town Revenues to Supervisor	\$256.36
NYS Agriculture and Markets	27.00
NYS Dept of Health	22.50
NYS Environmental Conservation	<u>\$1263.39</u>
Total Disbursed	\$1569.25

Correspondence:

Dog Control report: September 2011

Warren County Bicentennial 1813-2013 Citizen's Advisory Committee- asking each municipality for a contribution of \$1000.00 from their Occupancy Tax Funding to be use for town or city endeavors or local events that are held annually.

Moak, President of North Country ATV Association- would like the Town Boards interest in developing ATV trails in the Town of Stony Creek

Old Business:

Warren County Garbage and Recycling bids.

Supervisor Thomas stated if you recall a few months ago due to the sale of the trash plant, the county was looking to see what to do with the trash in town and it was determined that by joining together with Warren County with going out to bid for the disposal and the hauling we could do better then each individual town going on their own. The results in that process have come back and the lowest bid for the disposal to the burn plant was \$58.00 per ton. The hauling was \$132.05 each trip, for solid waste and recyclables.

The current disposal fee the town has been paying for years is \$69.00 per ton and also the hauling fee for garbage with recyclables, Currently we have Waste Management who also won the Warren County bid, they are currently charging the town \$156.42.

Currently we have the Town of Warrensburg hauling our garbage at \$150.00 per trip and Waste Management says they will haul it for \$132.05.

Supervisor Thomas stated what he is seeking from the Town Board is approval and accept the Warren County bid. Councilman Ross stated this is a win win for the town.

Attorney Cooper asked if the Town of Warrensburg would have to be notified. Supervisor Thomas stated the bids haven't been accepted by Warren County but will be on Friday and would like the Boards input and can withdraw from it if needed. The Town of Warrensburg would be notified then.

110-11. A resolution was made by Councilman Ross seconded by Councilman Gill to enter with Warren County's hauling, garbage and recycling bid as follows: Disposal to the burn plant \$58.00 per ton and hauling of solid waste and recyclables \$132.05 each trip. Roll call vote, all in favor.

Cemeteries:

Attorney Cooper stated he doesn't have any proposal for the board tonight but it has been an education to him talking to different town clerks in how they handle it in their own towns. We have all kinds of cemeteries in the county, private cemetery associations. The big cemetery in Warrensburg is a private association and they have a board that runs it. John Alexander is the Chairman of the Board. Chestertown has a municipal cemetery where all the burials go into. Queensbury of course has several private cemeteries. Towns smaller like Stony Creek were of interest to him and called around to Horicon, Chestertown and Thurman and got a lot of responses.

Lake Luzerne apparently doesn't have any cemeteries according to what she said. Queensbury has no regulations about private cemeteries on how they are to be laid out or whatever, which surprises him because pretty much everything is regulated in Queensbury.

This is the way the system is suppose to work and maybe when you understand that you will understand some of the other. Most people in Warren County die in the hospital and therefore by law the death certificate has to be filed with the Glens Falls City Clerk. If someone should die here in Stony Creek then the death certificate is filed with the Town Clerk. But the initiator of the death certificate would be the attending physician or the coroner if they died without a physician. The incomplete certificate is turned over to the funeral director because he is the one who has to insert information about the place of interment. After he does that he goes to the Clerk in the municipality where the person died. So if somebody from Stony Creek died in the City of Glens Falls the funeral director would go to the City Clerk and the City Clerk issues what is called a burial and transit permit which the funeral director is required to have before he can move the body and bring it for interment. In that scenario that he describes where somebody from Stony Creek dies in the hospital and the City Clerk issues a transportation and burial permit. Effectively the town clerk doesn't find out until the person is in the ground here in Stony Creek.

He asked Robert Densmore about the actual physical procedure and he said if you don't have graves laid out we depend on the family to communicate on which spot is available and there is a fellow from Corinth, Levi Bordeaux who does the digging and between the three of them they get the plot dug and person buried. The funeral director is suppose to fill out the bottom of the burial and transit permit and its suppose to be filed with the town clerk and Susie, Town Clerk says what confirms what Mr. Densmore told him and he gives the burial permit to Levi Bordeaux and Levi mails them to her. So she does have a file here for these permits and in that sense we find out after the fact that somebody from Stony Creek who died outside of the community has been buried here.

So that brings up the problem of our sixteen or eighteen cemeteries and what we are going to have to do to get on top of the situation. Now that he understands the procedure and he has been sent a copy of Chester's regulations because they have a municipal cemetery that he will to review. What he is going to suggest to the board and will bring back some ideas, is we ought to do it in a methodology logical way. That would be, you could within the board, say this responsibility is assigned to this committee or you could form a community committee for purpose of serving sixteen or eighteen cemeteries we have in town to determine if they are full. When they come back and say for instants the Scofold Cemetery, this is used up all, the gravesites are consumed. Then the Board could in addition to these rules that they were going to be working up by resolution say that Scofield Cemetery, by way of example, is closed and burials can no longer occur there with these exceptions. Because you don't want to be harsh, you might say that within the second degree of kinship. Which would include grandparents, parent, deceased child, brother and sister. That anybody related to that extent of that person in that cemetery could be buried there if there is a plot. You could perhaps require the family to file an affidavit both in regard to this degree of kinship. But also to the effect that there is a plot available, as some assurance that when the guy goes in there with a backhoe he's not going to be digging up somebody else's grave and perhaps the family is the best one to know that. Only Glassbrook's Cemetery has been laid out in an orderly fashion for you to know and keep a record of that type of thing. So that is one of the suggestions he is going to come to the Board with. It's going to require somebody to take the responsibility to determine what sixteen or eighteen little abandon cemeteries owned by the town are used up whether they're buried or not.

Where you go with that is up to the Board, Do you want to do it inside the Board or try to get a Community Committee to do it. Perhaps get the Town Historian involved. However you want to do it he thinks that's the first step. To do a survey of what we have, to see whether we could by resolution close some of them with the exceptions he discussed. Then also we could pass regulations you think are appropriate at the same time. He thinks we would be the first town in Warren County to actually approach this problem and wrestle with it and try to come up with a solution. With his conversation with the funeral director he gets the impression they wouldn't be opposed to this, they would actually look forward to a methodology that they could sign on to and wash their hands of any responsibility.

Mr. Densmore talked to him about liability. How he deals with the liability is he talks to the family, talks to the gravedigger. So if they could get a pass from the town he thinks you would make him very happy.

Attorney Cooper also called the Dept. of State which regulates private cemeteries that are run for non-for-profit but that wouldn't apply to us because virtually all of our cemeteries are municipal cemeteries and they don't regulate that and the Dept of Health has a Statute which describes the procedure which he first outlined to the Board for burial and transit permits. He thinks we can get a little bit of a handle on this. Thurman actually has another permit they require before there is an interment, we might want to go in that direction, we would know before an interment of what is going on. Whatever we do he thinks we have an obligation with the public to certainly put up some kind of signage to indicate that this cemetery is closed for further burials. Maybe you would even want to publish something in the legal notice; it's up to the Board.

If we were to close a private cemetery and some family has a burial plot but it was next to the water source and we considered it to be a health hazard we would have a right to do that. There is a procedure to do that it involves publishing in two papers for so many times and the family would have a period of 30 days to bring a lawsuit against the town to challenge our position on that, but we don't have to go to that level of formality or expense in his opinion because all the cemeteries are municipal cemeteries.

Councilman Liebl stated he knows here in town there are several cemeteries, but would it be considered a cemetery if somebody put ashes there.

Attorney Cooper stated that is what they call remains and whether it's bones or ashes it still what's left of human beings, so that would be disposal of human remains and that since it would be a cemetery. If they were scattered then that is not the same situation. To follow on Councilman Liebl's comment, the jus of regulation among other things, you can say the interments are for human remains only so somebody couldn't be buried with their pet or have their pet buried beside them.

Committee reports:

Francis Dean Farm; Historical Association: Trails.

Supervisor Thomas reported on October 6th, 2011 APA issued a general permit for building the trail system.

New Business:

Occupancy Bed Tax:

Warren County Bicentennial 1813-2013 Citizen's Advisory Committee- asking each municipality for a contribution of \$1000.00 from their Occupancy Tax Funding.

111-01. A resolution was made by Councilman Ross seconded by Councilman Gill authorizing the expenditure of Occupancy Tax funds to the Warren County Bicentennial 1813-2013 citizens Advisory Committee to be used for town or city endeavors or local events leading up to the 2013 Bicentennial. Roll call vote, all in favor.

ATV Club:

Moak, President of the North Country ATV Association NYTRO of Eastern NY was present: Supervisor Thomas stated he did receive the e-mail from the ATV Club and believes they are requesting to ride their ATV's. He doesn't have a problem with that we have a local law that pertains to ATV's riding on the roads, the law doesn't allow you to ride up and down the road it's just to go trail to trail.

Councilman Liebl stated we went through this before. Supervisor Thomas stated yes it was a different organization called Trailspath. Councilman Liebl stated we weren't very happy with them. Supervisor Thomas stated yes, it didn't work out well with them because they thought they could ride up and down the road and that's not what our Local Law says. As for coming here and having trails and stuff he doesn't have a problem with it but the property owners might.

Councilman Liebl stated we don't have any trails they can ride on. Supervisor Thomas stated if they could establish them and talk to the property owners and get their permission and cross town roads he doesn't see a problem with that at all. But how they are going to get to Stony Creek Inn and 1000 Acres Ranch he isn't sure.

Moak stated we come across Hadley Hill Road, Eddie Road and find someplace on Hadley Hill Rd. he will work with landowners in Stony Creek to get the rest of the way. Minimizing problems on both roads. From they're down to the Dude Ranch, the local campground. They also have a Corporate Member who owns the Adirondack Campgrounds off of 9N and they are trying to get on the backside of the dude ranch. They are not looking to run up and down roads. Supervisor Thomas stated we have a local law it follows the Parks and Recreation Law of NYS. He believes it is 1500 feet trail to trail. Moak stated it is actually NYS Vehicle and Traffic Regulations. Supervisor Thomas stated he doesn't have a problem with it so far as you follow the town's local law. Moak stated that is fine, and they can also add the Town of Stony Creek as additional insured on their policy. Supervisor Thomas stated he thinks it will be a good thing but it will be a challenge for somebody. Moak stated they have a lot of work ahead of them but if they don't have the town on their side there is no sense in bothering the landowners. Councilman Liebl stated when they had the snowmobile club here in town a lot of people were upset because the snowmobiles were riding at 2:00 in the morning by their house. That would be one thing that he would look into. Attorney Cooper stated another complaint is once the snowmobiles groom their trails it only takes one ATV to come along and rut it up pretty nasty.

Moak stated he's heard that excuse for years and he has seen snowmobiles do worst jobs.

Supervisor Thomas stated the Thurman Snowmobile Club develops the trails. Moak stated they are going to be discussing this with the Thurman Snowmobile Club also with the right signage and education that will help keep them from destroying them. They have been doing this for 12 years and hoping to develop trails for ATV's in Stony Creek.

Supervisor Thomas wished him luck and if they could help in any way they could try.

Attorney Cooper reported it states in the local law that you can't ride from midnight to 6:30 AM.

112-11. A resolution was made by Councilman Ross seconded by Councilman Liebl authorizing the following budget transfer:

Debit Highway Fund-Fund Balance in the amount of \$17,164.57.

Credit DA5120.4 Bridges Contractual in the amount of \$9,516.91.

Credit DA5130.4 Snow Removal in the amount of \$4,192.49.

Credit DA5110.4 General Repairs in the amount of \$3,455.19.

Roll call vote, all in favor.

Supervisor Thomas stated the balance in the fund balance is \$25,458.50.

Supervisor Thomas reported that an application was put in to FEMA for funding due to the storm damage.

Supervisor Thomas reported the following:

A Special Meeting will be held on November 15, 2011 at 7:00 PM for a Public Hearing on the 2012 Town Budget and Contracts for the Stony Creek Fire Co., Stony Creek Historical Assoc. and Stony Creek Historical Assoc.

The Eagle Scout Court of Honor Ceremony for Matthew Braman, Kevin Cahill, Joseph Roder will be held Saturday October 22, 2011 at the town hall at 10:00 AM.

A Halloween Party will be held at the town park pavilion October 29th, 2011 from 5-8:00 PM.

A motion was made by Councilman Ross seconded by Councilman Gill to adjourn the meeting at 8:11 PM. All in favor, motion carried.

Respectfully submitted,

Susan Harrington
Town Clerk