

March 18, 2014

The regular Town Board meeting of the Town of Stony Creek was held on March 18, 2014. Supervisor Frank Thomas called the meeting to order at 7:00 PM with members present:

Councilman Nathan Thomas
Councilwoman Doreen Ryan
Councilman John Thomas
Councilman Carl Thomas
Attorney James Cooper

February 18, 2014 minutes; corrections

Page 136 change seven to several fly cars

Page 128 change proved to improved to a point.

A motion was made by Councilwoman Ryan seconded by Councilman Carl Thomas to accept the February 18, 2014 minutes with these corrections. All in favor, motion carried.

060-14. A resolution was made by Councilman Nathan Thomas seconded by Councilwoman Ryan to pay the General Fund bills in the amount of \$8,775.49. Roll call vote, all in favor.

061-14. A resolution was made by Councilwoman Ryan seconded by Councilman John Thomas to pay the Highway fund bills in the amount of \$32,570.29. Roll call vote, all in favor.

062-14. A resolution was made by Councilwoman Ryan seconded by Councilman Carl Thomas to pay the Fire Fund bills in the amount of \$10,338.53.

Discussion: Supervisor Thomas stated that \$9607.53 is the annual contribution to the fire co.'s pension fund at Glens Falls National, this is down \$7000.00 from last year and they are now 100% funded. Roll call vote, all in favor.

Town Clerk Report:

First 100 Years book	\$20.00
Copies	<u>1.75</u>
Total Town Clerk fees	21.75
Dog licenses	<u>10.00</u>
Total town revenues to Supervisor	31.75
NYS Agriculture and Markets	<u>2.00</u>
Total disbursed	\$33.75

Correspondence:

Dog Control Log-January and February 2014

Stony Creek 50 Plus Senior Citizens Club- permission to use the town hall on Thursday April 17, 2014 from 9AM to 5PM for an AARP Defensive Drivers Course.

Stony Creek Mountain Days Festival Committee- permission to reserve the Recreation field and the park pavilion for the Mountain Days Festival from Friday August 1, 2014 through Sunday August 3, 2014.

Kathleen Pittelli-permission to use the town park Saturday August 23, 2014 for her daughter's wedding.

A motion was made by Councilman Nathan Thomas seconded by Councilwoman Ryan

To authorize the following:

Stony Creek 50 Plus Senior Citizens Club use of the town hall on Thursday April 17, 2014 for an AARP Defensive Drivers Course.

Authorizing the Stony Creek Mountains Days Festival Committee use of the town's recreation field and park pavilion on August 1st-3rd, 2014 for the Mountain Days Festival.

Kathleen Pittelli use of the town park/pavilion on August 23, 2014 for her daughter's wedding.

All in favor, motion carried.

Old business:

Francis Dean Heritage Trails; interpretive signs:

Stoney Blu Art and Design; Deb Kerrigan, request for added funds:

Supervisor Thomas stated last month we discussed this and she did send some documentation and also sent it to Attorney Cooper.

Attorney Cooper stated after he received this, this week Monday, he contacted various individuals including Deb Kerrigan, the claimant. He talked to Sandy Payne who is here tonight to answer questions the Board may have. What we have here just by way of summary is, this artist agreed to compose the signs, use her expertise to incorporate the copyright free photographs with text to put on the signs for \$2375.00, which she was paid. She sent a copy of the June 11th Board meeting minutes of last year in which the Supervisor indicated the contract price of \$2375.00 and then there was an indication underneath the note, "excessive revisions will be charged at the usual rate of \$30.00 to be added to the total cost". She claims there was, she doesn't use the words "excessive revision", but that's only basis for any additional claim. She's got additional hours billed. She claims she worked 40 hours, she's halved that and billed the town 20 hours at \$30.00 an hour. It's \$600.00 more she wants for her work. Attorney Cooper asked her what the excessive revisions were and she said it didn't relate to text on the signs; that she understood that there would be back and forth between the town, her client and herself as the vendor with regard to the subject matter of the signs; what the town wanted on them and that's part of the job, what she signed on for \$2375.00. She says the excess revisions would relate to changes made in the subject matter in the photographs, which were difficult or at least caused her more investment in time to make those modifications in the sign. She is claiming \$600.00 for that. Attorney Cooper talked to Sandy and she is here to speak for herself but this was news to her especially with regard with her knowledge of the process which she is intimately involved with. The photograph changes according to Sandy the maximum would be four hours. That's what she thinks from her perspective. This Miss Kerrigan is a nice gal, she was pleasant on the phone, she wasn't argumentative, nasty or abusive, like that, but it's not his place as the Town Attorney to give away \$600.00 of the taxpayers' money when she made a bid for \$2375.00 and got paid \$2375.00. It turns out that even with her, if you add the \$600.00 into the \$2375.00 it would still be less than the other two bids we got. Which were for \$3300.00 and \$4740.00. You can say you don't understand, there is a problem of documentation here but on the outside it looks like maybe she under-bid the job because these other two bidders were significantly higher than she was. Having gotten stuck with the consequences of her decision she is trying to recoup the extra from the town so she doesn't take such a beating on it.

That is one conclusion not supported by any facts or evidence but that's on conclusion you can draw from this. Councilman John Thomas stated it says see attached e-mail but there is no attached e-mail so the e-mail comes from who? Is it someone through her with the changes? Attorney Cooper stated it doesn't look anything like a change order. In his packet there isn't anything in it that looks like a red flag. 'At this point you used up your money and if I do anymore work it's going to be an excess charge', there is nothing like that.

Supervisor Thomas stated she does have two sets of photographs in the packet he thinks it's a before and after, he's not sure.

Attorney Cooper stated apparently there were one set of plans leading up to October and then a final set of plans for photographs thereafter. She said something in words or substance like, "it isn't as easy as you might seem getting these photographs and integrating them into the signs in a way that would be a good format and look good to the printer". Councilwoman Ryan stated they gave us some samples that we were able to see that they were able to do. To see some of the work they put in. Supervisor Thomas stated and that proposal did not say anything that she would need help with the text. Basically we had a volunteer that did 80% of the text or more and it could just as well have been her, she could have had to provide the text. Attorney Cooper stated it's like she was an artist and not a naturalist and relied heavily on the volunteer from the town to supplement that and also Warren County Soil and Water. He thinks the text was run by them to see if it was accurate. Supervisor Thomas stated, "correct and that was at the very end." Attorney Cooper said yes, they signed off on it. Nothing is perfect you couldn't expect this project to go perfectly.

Councilman Nathan Thomas asked if she is going to withhold her signs if the Board doesn't pay the \$600.00.

Supervisor Thomas stated no, she transmitted the data to Fossil. They have what they need to produce the signs. It's his understanding that Fossil has everything they need to proceed.

Councilman John Thomas stated she is basically saying the extra money she wants is for the time spent on the last set of photos that were sent in for those changes. Supervisor Thomas stated yes, that is what he is hearing. He thinks the pictures were moved around, he isn't sure. There are some changes. There weren't a lot between the two sets. Councilman Nathan Thomas stated like Attorney Cooper said she defiantly underbid the project and doesn't see why we should pay for her error. Supervisor Thomas agreed and stated they were exactly not completed in a timely manner. We met on August 1st of last year (2013) and indicated to her that November would be a good time to have these complete if not by September 1st and we never received a completed product until the end of January (2014). Attorney Cooper stated time, that's not relevant to the issue, but she never complained about the delay from our end and the claim she does make doesn't have anything to do with the scheduling completion of the job. Its maybe color transaction if you want to look at it that way. It really doesn't have anything to do with the issues that are before the Board tonight.

Supervisor Thomas asked if the Board had any preference.

Councilwoman Ryan stated it was a bid out job. They went according to the bid prices.

Councilman John Thomas asked Attorney Cooper on her original contract if there could be a possible charge at \$30.00 an hour, which would be additional charges.

Attorney Cooper stated yes if there were excessive revisions, those were the words she chose and in none of the proofs that she submitted did she say these are the excessive revisions and he had to nurse that out of her over the telephone. She maybe a fine artist but as a businessperson or lawyer she may come up a little short.

Councilman John Thomas stated he just wanted to know if there was anything illegal that would require the Town to pay it but it doesn't sound like it.

Attorney Cooper stated he doesn't think so. She could sue us but for \$600.00 he doesn't know, as a matter of fact he viewed it from the other end of the binoculars, would we be violating our trust to the taxpayers to pay her. It's like she made a bid, we paid her what she bid and now she wants more money. We're not in the business of giving the taxpayers' money away. If you feel that in light of the discussion we had that she is entitled to something it doesn't mean she has to get it all. You could agree to give her something less than the \$600.00 if you feel it's justified.

Sandy Payne stated the one thing she would add is, she was communicating with her continually though the process and she never indicated to her at all that the revisions were getting excessive until the very end when she said she would need some additional money. Some of the revisions were for accuracy. It was pointed out she didn't have a very good grasp of the natural world so when Mary Beth Mitchem wrote a narrative about the black fly she produced a photo. The one she ultimately used looks more like a black fly than the original that looked like a housefly and there were issues with the crayfish and different things. At one point there was a tree with a palliated woodpecker but it was like a Sycamore Tree so Sandy made it clear that they have to have species that are available here and they worked though it. But she didn't have any indication that she thought it was excessive and the contract word she used was "excessive revisions". If she said excessive time, she would throw herself under the bus for that, some of the delays in the process were hers and she didn't get immediately back to her in a period of time would go by before she would give an e-mail approval but she wasn't working on the project during these delays. Miss Kerrigan would present it and it might have taken her longer than she should have to respond. So whatever she chose, 'excessive revisions' instead of 'excessive time'. Sandy was sure she wasn't working on it continually when she wasn't responding.

Councilman John Thomas stated just for himself it sounds like she wasn't familiar with what she was working on and that's kind of where her extra time came from. That's what it sounds like to him or part of it anyhow.

Councilman Nathan Thomas stated like she said its non-copyright photos, which means that takes a lot of shopping. Sandy stated she suggested at one point that maybe it would make for a better product without an excessive amount of money to actually pay for some photographs but she doesn't think she ever did.

Councilman Nathan Thomas stated just from listening its something to consider on the next bill as whether we go with copyright versus the other because the first 200 images are all copyrighted. Sandy stated she searched as well for things. Attorney Cooper asked if we would have to have a sign designer for the other side of the road? Sandy stated she doesn't know if it's going to have interpretive signs, they haven't talked about it yet. Supervisor Thomas stated he didn't know, possibly.

Councilman John Thomas stated he would say from what he is hearing that we're not commented to pay her the extra money and he doesn't think we should.

Supervisor Thomas agreed and asked the Board if they felt any different.

Fossil:

Supervisor Thomas stated the company, which is going to produce the signs, are located in Deer Park, NY. They sent a color sample, which are strips of each sign. Supervisor Thomas stated he did talk to them about the dark green for the post hardware. That increases the cost of each set of hardware by \$56.00 in ground mount. There are ten signs. They charged \$40.00 for the color sample. They charged \$60.00 to produce the sample. The other issue was the shipping.

He e-mailed the person, the shipping cost is \$696.00 and that was not included in the original resolution and he had hoped that the town could go down in the town pickup and pick the signs and post up. However she indicated to him that it would be fine for the signs but the hardware is either produced or at another facility and that doesn't lean itself to customers picking stuff up so he doesn't think its worth it to drive down for the signs. The Board agreed.

Councilwoman Ryan stated if there is any damage done they would be responsible. Councilman Carl Thomas asked if he knew what the total weight is? Supervisor Thomas stated no, he didn't ask that. He knows the signs would be quite hefty. The signs are ½ in. thick. They're resin and are 2 ft. X 3 ft. each. He would guess each one would be 30-40 lbs apiece. The hardware he isn't sure. With the additional money for the dark green and shipping, the total price would be \$7176.00. Councilman John Thomas asked what the starting price was. Supervisor Thomas stated \$6281.00. Supervisor Thomas stated its an additional \$895.00, however they did indicate that once they are told to go ahead that they will send back proofs of each sign and once the proofs are ok'd they will be produced in 20 days. Councilwoman Ryan asked how the proofs would come and if it would cost extra. Supervisor Thomas stated PDF's and no it wouldn't cost extra.

063-14. A resolution was made by Supervisor Thomas seconded by Councilwoman Ryan authorizing the payment of \$7176.00 to Fossil for 10 interpretive signs and dark green hardware to be placed on the Francis Dean Heritage Trails. Roll call vote, all in favor.

Supervisor Thomas stated this will satisfy our Environmental Better Project with the NYS DEC. Attorney Cooper asked if once the signs are recreated will there be a public notice or ceremony. Supervisor Thomas stated he hoped to. Attorney Cooper stated he thinks we are beyond the scarlet letter period with the State where we had to give them credit. Supervisor Thomas stated yes, she only put a year in it. He has to fill out an affidavit and send it to them documenting that we spent the \$5000.00. With his calculation, with what they paid Fossil and Stoney Blu he thinks they have \$1795.00 left for installation.

Assessor's vacancy:

Supervisor Thomas reported that we discussed this at last months meeting and Councilman Carl Thomas was hoping to get other information. Councilman Carl Thomas stated he did receive a letter back Thursday. He thinks it's like other letters we get from the State it was not very informative. It said basically nothing that we didn't already know and as Peter LaGrasse says we need to have a quorum on the Board of Assessors so he thinks we should fill the vacancy at this time and decide later on if we're going to do something different. Supervisor Thomas asked the Board if they want to advertise to fill it or do something different. Councilman Nathan Thomas stated we could advertise and appoint until the next election. Letters of Interest will be accepted for the vacancy of Assessor, Letters will be accepted until April 15, 2014 Town Board meeting.

Landfill; transfer center hours;

Supervisor Thomas reported we tabled this for a month to think about it. Councilman Carl Thomas stated he doesn't know how the rest of the Board felt about it. He thinks that the hours from Friday-Monday would be more useful to the residents. As we discussed the total hours would remain the same for the open hours, which is 35 hours. Supervisor Thomas stated 30 hours. Councilman Carl Thomas stated so it would be Friday and Monday 9A-4P, Saturday and Sunday 9A-5P, which keeps the total the same. He thinks that would be most useable and he thinks it was indicated for Holiday concern that it not be opened and the other thing he got from talking to the attendant is a ½ hour each day for close up and lock up, that would be an extra cost of two hours a week if we did that.

Councilman John Thomas stated he would like to see the extended time to 5:00 PM a lot of times personally its tough especially on the weekends.

Supervisor Thomas stated this doesn't come without a cost. If you go to 9-4:00, that's a seven hour day and Saturday and Sunday 9-5:00 that's an eight hour day. All his benefits are based on a six-hour day, so his holidays he gets six hours, his vacation days he gets six hours along with personal and sick days, so his benefits alone for seven and eight hours. Councilman Nathan Thomas stated if you figure on the half hour it would be eight-hour days approx. Supervisor Thomas stated yes so if you go to eight-hour days just the benefits alone would cost an additional \$1407.95 per year. The additional half hour clean up would cost an additional \$1785.70 per year. There is also the accumulative sick time. He can accumulate up to 60 days as he works over the years and when he retires the town will pay him 50% or 30 days, so there would also be an additional \$954.00 that's a one time thing.

Councilwoman Ryan asked Councilman Carl Thomas if it is imperative to open at 9:00 in the morning? Councilman Carl Thomas stated no he doesn't think it is. Councilwoman Ryan stated that 10-4:00 Friday and Monday would get you back to a six hour day less the half hour.

Councilman Carl Thomas stated do it 11:00 till, open it at 11:00 then. Councilman John Thomas stated open it 10-4:00 on Monday and Friday? Councilwoman Ryan stated right. Councilman John Thomas stated you want the early hours on weekends, Councilwoman Ryan stated she doesn't see the difference from 9 to 10:00 most people are working anyways.

Councilman Nathan Thomas stated a lot of people were having a hard time taking the current hours and have gone to garbage pickup. He would say 40% of the town has garbage pickup. Everybody in town couldn't make the current hours have gone to garbage pickup. It's easier for them because the town is mandatory recycling where they have zero sort. Councilman Carl Thomas stated if you shift it from 9 to 11:00 to open and keep the six hours is that reasonable, he doesn't know.

Councilman Nathan Thomas stated the weekends is your biggest thing, even your Mondays, which is a holiday weekend and so now your going to close on Mondays so your not gaining a great amount. Obviously the summer people that are up visiting have a tendency to leave on Mondays so 90% of the time its Sunday afternoon.

Supervisor Thomas stated he doesn't think we should give him an extra half-hour for cleanup it doesn't take a half-hour. There's day after day that he comes back from the county and he is passing him at five after three going home or he's here at the town hall at five after three. Maybe fifteen minutes for the days someone shows up at 3:00.

Councilman Nathan Thomas stated he doesn't know how the union works and so forth but he knows with certain amount of days you have to allow so many minutes for breaks and so forth. Is that another thing they will be looking at with an eight-hour day? Supervisor Thomas stated yes, actually. Councilman Nathan Thomas stated he will need a lunch break. It just depends on how the job description is set up. Councilwoman Ryan asked how is it now with a six-hour day? Supervisor Thomas stated he works six hours straight. He gets quite a few breaks. Councilman Nathan Thomas stated there's not a long line there most days, just the 3:00 on Sundays. Councilman Carl Thomas stated would you want to go to 10-4:00 four days? Councilwoman Ryan stated 10-4:00 and 11-5:00 you would keep the hours the same. Councilman John Thomas stated we keep the six hours, you just open it up a little later. Councilman Carl Thomas asked if you would want the opening time to be the same or no? Councilwoman Ryan stated not if you're staying open later. Councilman Carl Thomas stated Supervisor Thomas was saying you didn't want various hours, but once its specified there not varying. Supervisor Thomas stated he knows some people like to get things done in the morning. He thinks that will annoy some people. We really haven't gotten complaints but will now. He gets more complainants on the attendant then the hours. Councilman John Thomas stated we do like to hear from people once in a while too. Councilwoman Ryan asked Councilman Carl Thomas if there were a lot of complaints, that's why he wants to change the hour? Councilman Carl Thomas stated a lot of people mentioned it when he was around getting his petition signed, a lot of people were talking about services. They would like garbage pickup too, if you want to satisfy them, but a lot of them said it's hard for them to get there, it's closed when they get home, some are working. Councilman John Thomas stated if we do 10-4:00 Monday and Friday and 10-5:00 on weekends that will give him two extra hours a week that way the start time is the same but as far as the extra half hour he thinks he has time to do his cleanup in between. Councilman Carl Thomas stated he doesn't think it's a matter of cleanup but for the latecomers. Councilman John Thomas stated your always going to get them. Councilwoman Ryan asked what the days are now that the station is opened? Supervisor Thomas stated Wednesday thru Sunday. Councilwoman Ryan stated it would be one day less. Supervisor Thomas stated yes. Councilman Carl Thomas stated it would be one less day and longer days. Councilman John Thomas asked if we would run into the contract being Saturday and Sunday being an eight-hour day? Supervisor Thomas stated its not a problem, he is just going to want eight hour benefit days. We did this back seven or eight years ago and it was the year we had problems with the budget, so he got cut back 30 hours. Then when it got cut back 30 hours each day it was six-hour days. So Supervisor Thomas informed him that he was going to get paid six-hour benefit days. Councilman Carl Thomas stated what about weekends is there a difference between 4:00 and 5:00 as far as total time? Councilman Nathan Thomas stated everybody works three jobs now so no one has a schedule, there is very few 9 to 5er's and like he said most people who couldn't make the current hours has gone to garbage pickup its to bad they can't utilize the services they pay for but at the same rate its less hassle for them to set two cans at the end of the driveway once a week the truck picks up. Supervisor Thomas stated we can try it see what happens.

Councilwoman Ryan stated 10-4:00, 10-5:00. Councilman John Thomas stated we're cutting a day off his workweek, it will be closed three days instead of two now. If we go with this basically his hours will be the same, he is just going to have a couple longer days. Supervisor Thomas stated which might be better it will keep him a little busier.

Councilman Carl Thomas stated what are we looking for is 10-4:00 the four days or 10-4:00 Monday and Friday. Councilman John Thomas stated if we keep the hours at thirty we would have 7-hour days on Monday and Friday and open until 5:00 on Saturday and Sunday. He thinks it would be more convenient for everybody unless you want to be open until 5:00 on Friday. Councilman Carl Thomas asked how long a day is Saturday and Sunday? Councilman John Thomas and Councilwoman Ryan stated it would be 8-hour days. Councilman Carl Thomas stated if we open at 10:00 it would be 7-hour days. Councilwoman Ryan stated it would drop his workweek. Councilman John Thomas and Supervisor Thomas stated we could cut back on his 30-hours, he would end up with 28-hours.

Councilwoman Ryan stated 9-4:00 would be 7-hours, 9-5:00 8-hours, which would make 30-hours a week. Councilman John Thomas stated Saturday and Sunday would be 9-5:00 that would give 8-hour days and give him 16-hours that would open it up until 5:00 and keep the 9:00 open time. Supervisor Thomas stated so its 10-4:00 Monday and Friday, 9-5:00 Saturday and Sunday. Councilman John Thomas stated that keeps his hours the same, it keeps his 30-hours. Councilwoman Ryan stated 9-4:00 would keep his hours because it would be 14 and 16 hours. Councilman John Thomas agreed. 9-4:00 Monday and Friday. Councilwoman Ryan stated 9-4:00 and then 9-5:00 on weekends. Councilman John Thomas and Supervisor Thomas agreed. Councilman Carl Thomas stated that still continues to go to an 8-hour day. Councilwoman Ryan stated on weekends. Councilman John Thomas and Supervisor Thomas stated right.

Councilwoman Ryan stated it will keep his 30-hours. Councilman Carl Thomas stated then your benefits are based on the 8-hours. Supervisor Thomas stated yes. Right now its based on 6-hours if we do this, one is 7-hours and one is 8-hours. Councilwoman Ryan stated he'd get an extra day off. Councilman Carl Thomas stated but the expense. Supervisor Thomas stated it will probably go to 8 hours it will be \$1407.00. Councilman John Thomas stated even if he loses the day, he's only working 4 days. Councilwoman Ryan and Councilman Carl Thomas stated its based on the hours. Supervisor Thomas stated it wouldn't increase the hours.

064-14. A resolution was made by Councilman John Thomas seconded by Councilman Carl Thomas to change the landfill hours effective April 1, 2014 as follows:

Monday 9:00 AM – 4:00 PM, Friday 9:00 AM- 4:00 PM.

Saturday 9:00 AM-5:00 PM, Sunday 9:00 AM-5:00 PM.

Roll call vote, all in favor.

Buildings: Copier:

Supervisor Thomas stated he did get a price from the current person from Document Solutions North Country Xerox, Rick Gallop. According to the towns Procurement Policy we have to get a second price, which he hasn't gotten back yet. Document Solutions priced a basic workcentre black and white multi-function printer and his price was \$4128.00. Right now we pay 2¢ or a little better for the first sheet for a service contract and that would go to \$10.00 per month and then its.0099¢ per page, which figures out to \$4.95 per ream of paper, 500 sheets.

He would like to bring this to the Boards attention.

Supervisor Thomas stated they received money from the Justice Court Fund; the money the judge applied for was \$2200.00. \$2000.00 of which goes toward a copier. If we did this copier it would be \$2128.00, but he does need to get a second price.

Councilman John Thomas stated this copier basically replaces the one we have, the same type. Supervisor Thomas stated yes, he did ask if there was a trade-in, its like you cars its only worth so much so we'll keep that as a back up. This copier is more high tech. it's a touch screen to do the functions. You can scan from it, you can hook it up to a network; everybody can work from their own station. You can put documents on a stick and print them off. It's defiantly a more modern version. The one we have has to be 8-9 years old. We have had a lot of problems with it not to long ago. Councilwoman Ryan stated a lot of the newer printers now you have multiple computers hooked to it, they all work from them. You don't have to have a separate thing it works wireless.

Supervisor Thomas stated we had a lot of problems with it, right now its working ok but they were here a half dozen times and don't know how many parts they replaced. It didn't cost anything. If you need a toner you just call them and they sent it. Councilwoman Ryan stated that can get expense to. Councilman Nathan Thomas stated that's why you pay the 2¢ a copy. Supervisor Thomas stated he has been satisfied with them. Until we get a second price we really can't do anything, we have to follow the Procurement Policy.

Committee reports:

New business:

Dog Control Contract:

065-14. A resolution was made by Supervisor Thomas seconded by Councilwoman Ryan to enter into the 2014 contract between the Town of Stony Creek and the Glens Falls Animal Hospital for Dog Control Purposes. Roll call vote, all in favor.

Supervisor Thomas stated that Maxine Zwartkay, DCO does an excellent job of taking care of dogs when she picks up a stray dog and does an excellent job of finding a home for them. WE really haven't had a need to use the Glens Falls Animal Hospital very often.

Insurance; Property & Casualty

Supervisor Thomas reported the Property and Casualty Insurance renews on May 2nd, 2014. The towns broker is Cool Insurance; the Insurance Agent is Trident or Argonaut. This year we paid \$26,495.82. He is in the process of filling out the information to send back to them. He brings this before the Town Board because he would like to engage Rose and Kiernan, who was the town previous broker and also engage NYMIR, which is New York Municipal Insurance Reciprocal where everybody insures themselves, to see if they would give us a price. They wrote a letter and indicated they would be willing to give us a price. Councilman John Thomas stated there could be a huge difference in insurance companies.

Supervisor Thomas stated the trouble is one broker will lock up several insurance companies and there is not many that write municipal insurance anymore. So one broker, one agent can basically dominate it so it doesn't matter who you get for a broker because no one else can bid on it. But with NYMIR and them writing to us directly maybe we can get a price directly from them also Rose and Kiernan used a totally different insurance co. Cool Insurance is pretty much Trident. Rose and Kiernan use Black Falter; they were the towns insurance for 3-4 years. Councilman John Thomas stated he thinks it's a good idea. Councilman Carl Thomas also has another name from the schooling he attended, which he will give to the Supervisor. Supervisor Thomas stated NYMIR does have a lot of municipalities under there insurance coverage now. They came to the town 16-17 years ago when they first started and offered it to the town and the town kind of stayed away from it because there was a lot of risks at that time because if they had a bad claim year then your going to pay for it. So now they have a pretty good pool.

From the floor:

State Assessment

Peter LaGrasse, Assessor Chairman stated that Councilman Carl Thomas has approached him with some questions about, is the state land paying the same amount as a private land, is it paying it's fair share. He pulled out all of the vacant land parcels over 10 acres of private land and he gets the summaries of the assessment and the acreage and he got a figure of \$841.00 per acre and he looked at the state land and it was \$770.00 an acre. So it looked like the state land was not equal but there is something that you really have to look at in this matter. Most of the state land is remote; it's not on a highway. What he did then is he took every parcel of state land and he put down the acreage and state land values, assessed values then he calculated the value that he would put on if he was doing it by the exact same method that he does all the other parcels. First of all lets exclude the 24,000 acres in one parcel that's the one big one, that's complicated and if you exclude that he gets a total assess value of state land of the other parcels of \$25,000.00 and if he did it he would get \$17,800.00. The State is high on those; if he counted the 24,000 acres in the method he uses on the private land its even more radical. The State is double more then double of what he would calculate doing it alone with the schedule that he uses for every other parcel. That's outstanding. What he brought along to the board is, he said it before, a re-val you have to use the state land values and you see you would want to, to begin with. If you raise them your into an issue with the state suing you and if you keep them you actually have values including timber, which they are not included in private land. You would have to use a Market Value for sales that would include Warrensburg, Lake Luzerne and Thurman. You would have to bring a bigger market to Stony Creek for examples of what things cost. All those other places have higher values then Stony Creek. That's the facts that he knows by talking to the same person that Councilman Carl Thomas wrote the letter to. So you put that all together, that's why although it sounds to him to be kind of backwards to not have a re-val. A re-val will hurt you it's that simple. As long as the State doesn't force him to do it why would he do something that would hurt the taxpayers if it doesn't, and you can examine everything back and forward and he will help you? Councilman John Thomas stated he doesn't understand how a re-val would hurt us.

Assessor LaGrasse stated the full values would go up on the private land whereas the state land would remain a constant because you have to use state land values to get a re-val and it would go up because you would be using market examples of sales beyond Stony Creek because the cost are high from his analysis of things they are not recognizing that in our equalization rate as badly as it would be. In other words, he thinks his equalization rate could be lower and values could be higher based on sales he sees. If he expands that to sales beyond it, it would probably, he feels, would raise the property values while keeping the state values at a constant. It doesn't make sense, that's his feel of it. He could spend another five days and go through an analysis of all the sales and show you where. He might be right with that he feels and maybe he's wrong. He has a feeling that he does calculations to determine whether that's right or wrong. He did that with the state land, do calculations see what the numbers are saying is reasonable, that's where it's at. Once you go to re-val its like Russian Roulette, we don't have a choice, your going to do it whatever it comes up with, that's what you going with.

Councilman John Thomas asked why it's beneficial for other towns to do it and not us? That would be his question, most town have done it.

Assessor LaGrasse stated if you have radical difference in class in assessment between 2 types of properties you would want to address with a re-val. If you see commercial and private property different and you want to raise the commercial it would be spot assessment. If you didn't look at everything together, that's one modification. He doesn't see a dispartent between vacant land and improvements but that's what he would look at, commercial doesn't add up to much to be a consideration. It has to do with vacant land valued, is the houses valued relatively evenly, and is Harrisburg land valued to low? He could go in there and raise values, money wise its not a big deal, but would he like to yeah, on the little parcels. They are selling for way more. The land, vacant land values, are way under what they should be on that. That's an example of what you would do, but if he went and did that, that would be spot assessment unless he systematically looked at everything together. Does that give you a feel for what, how he is resistant in what he should do? Councilman John Thomas stated he could go on all night, but the sales of these new homes in Harrisburg, you bring up Harrisburg as an example, the sales of the new chalet are a lot higher then what existing camps, existing properties are selling for. So what play can you adjust to? Assessor LaGrasse stated if he looked at them, he would think their assessment with the improvements on them are all right. Councilman John Thomas stated he watches this stuff, you see a sale in the paper then go on the Warren County website find what its assessed for, there are some differences there. Assessor LaGrasse stated when he looks at the ratio of sales to the assessment he does not have wide dispartence its still close. The numbers are relatively close. They are higher though then the equalization rate. Meaning the State is looking at us low. A re-val would bring the States attentions to everything we're doing and would raise us. That's his feel. If you look at the numbers you might agree with him and he might agree with what he's saying, he might disagree. He is open to look at it to see whether everything he is saying, whenever he does look at it he gets to this figure, he has feelings about it. As a matter of fact if he estimates a value for the State on residential assessment ratio or something like that. The State guy pushes him down and says don't jump ahead. There's your problem. That's why he is hesitant about doing something like that. That's his feel, but he will look into it and get you better numbers on it. He didn't want to jump ahead of Councilman Carl Thomas on this but.

Councilman Carl Thomas stated that was fine. Like he said, we need to go through it and he will want to go over this. Assessor LaGrasse stated he is giving Councilman Carl Thomas his calculations on all this so he can double check on what he has done, at least on the state land, which he welcomes.

Supervisor Thomas asked Assessor LaGrasse, that he feels if we do a re-val that it will go to 100% or as close as we can get to 100%, that there will be a major property tax shift from the state property to the private property. Is that what your trying to say? Assessor LaGrasse stated not major, but in this town 10-20% is major. Supervisor Thomas stated that would be considerable. Assessor LaGrasse stated its something you wouldn't want. Supervisor Thomas stated no. Assessor LaGrasse stated you wouldn't want 5%. Supervisor Thomas stated so on the private property are we keeping up with the market or are we being hesitant to the point where its hurting us? Assessor LaGrasse stated he wasn't following this. Supervisor Thomas stated you're saying you don't want to spot assess. Assessor LaGrasse stated yes. Supervisor Thomas stated so you telling him that your going by assessments that should be raised because you don't want to draw attention to that one particular property because that means you would have to re-assess that whole class.

Assessor LaGrasse stated no, what he is saying is if he were to already, Harrisburg Lake being the example, it's the dirt to example, it's a neighborhood that justifiably has higher values. Its already recognized for those values, he put a factor on everything to raise it and has done that many years ago. Councilman Carl Thomas stated actually we have been doing that, we can't have precorp neighborhoods, which we done in the Harrisburg Lake area and he thinks when you look at sale prices and look at there values like Assessor LaGrasse says they often come in close, but the job of Assessor is to distribute. Supervisor Thomas stated be fair about it. Councilman Carl Thomas stated yes.

Assessor LaGrasse stated all over, absolutely. Councilman Carl Thomas stated he doesn't think we are in bad shape like that but the transitional assessment, which was knocking us down every time with the State. The letter he got back from the State, he hasn't spent a lot of time with it but it does not look, it's looks like the transitional is going to be with us, if where we're at or if we're at 100% because that's there calculation. They base it on the current value basically. Assessor LaGrasse stated absolutely if we were at 100% we still would have the same proportion of transitional and aggregate assessment, not less not gained.

Supervisor Thomas stated so a year or so ago that was six-years, so we are down to about five-years before the transitional is pretty much transitioned. Assessor LaGrasse stated yes, but we're never going to lose the aggregate. Supervisor Thomas stated right. Assessor LaGrasse stated the aggregate somewhat balances the loss of transitional. He didn't want to get into this because he wanted to keep it simple because it's just simply very complicated. Supervisor Thomas stated it's very complicated when you do a budget too, when you lose 2½% of value of the town each year, that's quite complicated also. After half dozen years of that it gets very complicated.

Assessor LaGrasse stated it's like the loss in tax base is eating up your allowable increase in levy with having a special law to go over the 2%. He's already taken it off for him and he hasn't done a thing, the State has. Supervisor Thomas stated your also adding \$78.00 for our tax rate over a 10-year period. Assessor LaGrasse stated yes. Thurman doesn't have half of what Stony Creek has on this. All of this transitional and aggregate is State Aid plain and simple. If you look in the law book its under State Aid.

When he showed the pie chart graph last year we have a decided advantage in that regard, that was created due to winning a lawsuit years ago, where we raised the value of the state land and then created the bases for the transitional assessment to kick in. that would not be. Yes you wouldn't have these 2% reductions because you wouldn't have the transitional which is 20% and the aggregate we're up to half of the state land values approximately for the State Aid things and he's not talking about that in these numbers, he's talking about something simple the value on state land. Something that gets reduced that other towns don't have at all, its better to have it reduced every year then not to have it in the first place. Supervisor Thomas stated true.

Executive session:

Supervisor Thomas stated he would like to go into Executive Session to discuss three items: Work history of a particular individual, Union issue to do with health insurance and future strategies through Union negotiations, and proposed litigation.

8:27 PM. A motion was made by Councilman John Thomas seconded by Councilwoman Ryan to go into Executive Session to discuss three items: Work history of a particular individual, Union issue to do with health insurance and future strategies through Union negotiations, and proposed litigation. All in favor, motion carried.

9:29 PM. A motion was made by Councilwoman Ryan seconded by Councilman Carl Thomas to go back into regular session. All in favor, motion carried

Supervisor Thomas stated that no action was taken on the union issue or the proposed litigation however there maybe action on the Youth Direction position.

066-14. A resolution was made by Councilman Nathan Thomas seconded by Councilman Carl Thomas to assign the currant Youth Director to the Assistant Youth Director position. The Assistant Youth Director will be paid as the Assistant Director. Effective March 18, 2014, and work with the other two youth members Patrice Jarvis and Jo-Ann Mosher to reestablish the Youth Commission.

Roll call vote, Councilman Carl Thomas-Yes, Councilman John Thomas-abstained, Councilman Nathan Thomas-Yes, Councilwoman Ryan-Yes, Supervisor Thomas-No.

Attorney Cooper asked if they would advertise for a Youth Director.

Councilman Nathan Thomas stated actually when the Board originally hired, they hired three. Two Assistants Patrice Jarvis as the Planner, Cheyenne Moses as Director and Jo-Ann Mosher as the Assistant Director. They are going to talk to the other members to co-direct. Due to physical limitations of Patrice, she isn't comfortable as being the Director but she is a great asset to the town so he would like to sit down with them and report back to the board at the next town board meeting.

Councilman Carl Thomas asked if there was an effective date on that also. Councilman Nathan Thomas stated effective tonight. Supervisor Thomas asked if this included both the pay and effective date in the resolution that we just voted on.

Councilman Nathan Thomas stated we can include it in the resolution that was voted on.

Supervisor Thomas reported that Paul Berry, Superintendent and Timothy Hilker, School Business Administrator from the Hadley Luzerne Central School will be attending the Town Board meeting on April 15, 2014 to discuss the 2014-15 proposed School Budget.

A motion was made by Councilman Nathan Thomas seconded by Councilwoman Ryan to adjourn the meeting at 9:32 PM. All in favor, motion carried.

Note::: Supervisor Thomas would like it noted that Ruby Moses barged into the Executive Session yelling at the Supervisor and disrupting the Executive Session meeting.

Respectfully submitted,

Susan Harrington
Town Clerk