

December 16, 2014

The regular Town Board meeting of the Town of Stony Creek was held on December 16, 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

Absent: Attorney James Cooper

November 18, 2014 minutes:

A motion was made by Councilwoman Doreen Ryan seconded by Councilman Nathan Thomas to accept the November 18, 2014 minutes. All in favor, motion carried.

122-14. A resolution was made by Councilman Nathan Thomas seconded by Councilman Carl Thomas to pay the General Fund bills in the amount of \$11,915.69.

Roll call vote, all in favor.

123-14. A resolution was made by Councilwoman Doreen Ryan seconded by Councilman John Thomas to pay the Highway Fund bills in the amount of \$19,541.06.

Roll call vote, all in favor.

Town Clerk Report:

Conservation licenses	\$ 7.81
Death copy	10.00
Fax	1.00
Copies	<u>1.25</u>
Town Clerk fees	\$ 20.06
Dog licensing	<u>65.00</u>
Total Town Revenues to Supervisor	\$ 85.06
NYS Ag & Markets	13.00
NYS Environmental Conservation	<u>134.19</u>
Total disbursed	\$232.25

Correspondence:

JoAnn Mosher-A letter to be reappointed to the Youth Director with Tara Fisher interested in the Assistant's position.

Old Business:

Youth Director

Supervisor Thomas stated, in the minutes it said we would accept letters up to today December 16th. He doesn't know if you want to extend that. He tentatively scheduled the Organizational

Meeting for Saturday January 3rd, 2015 at 10:00 AM if that works for everybody, we can extend it until then. Councilman Nathan Thomas and Councilwoman Ryan stated that sounded ok.

Tax Collector petty cash request:

124-14. A resolution was made by Supervisor Thomas seconded by Councilwoman Ryan establishing a petty cash in the amount of \$100.00, for the purpose of making change when required in the performance of the Tax Collector's duty. Roll call vote, all in favor.

Code of Ethics:

Supervisor Thomas stated that Attorney Cooper drew up a draft or proposed amendment to the Town's Code of Ethics pertaining to mainly Conflict of Interest and also board members being members of the Volunteer Fire Co. If you want to act on it we can but maybe it would be better if we take a few days and look at it. He thought Attorney Cooper would be here but he didn't hear from him today. Councilman Carl Thomas stated it has a referral to section 3E above, he is not familiar with that so he thinks we should take a few days and not act on it. Let us think about it. Supervisor Thomas stated it will give you time to look it over see what you think about it. Councilman Carl Thomas stated he assumes the full code is available. Supervisor Thomas gave him a copy. This will be tabled until next month to give the board members a chance to review it.

Youth position:

Councilman John Thomas asked what he was going to do with the youth position. Supervisor Thomas stated he didn't know, like they were saying with the letters, see if they would get more letters by the first of the year. If we don't we'll probably leave it the way it is.

Councilman Carl Thomas asked if there were two letters. Councilman Nathan Thomas stated no JoAnn was letting us know that Tara Fisher was interested as Assistant. Supervisor Thomas stated it's only a couple weeks it probably won't change a whole lot. Councilwoman Ryan asked if she was doing something here. Supervisor Thomas stated not that he is aware of.

Councilwoman Ryan stated she mentioned something about making decorations at the town hall. Supervisor Thomas stated he hasn't seen her only at the firehouse the other night.

Committee reports:

Councilwoman Ryan stated that 45 kids have signed up for the fire co.'s Christmas Party to be held on Saturday the 20th at 11:00 AM.

Dean Heritage Trails:

Councilman Nathan Thomas stated we talked about it briefly last year about the Dean Heritage Trails, he noticed snowmobile traffic there already this year. Did they get out into the trails or climb up over the hill in the snow? Supervisor Thomas stated he isn't sure, he thinks they were around the field. They were there Sunday.

Supervisor Thomas stated the only thing to do is place no motorized vehicles signs up.

Councilman Nathan Thomas stated the snowmobile trails are still closed at this time due to late muzzleloading season. He would hate to see the bridges tore up.

Dean Heritage Trails; Parking lot:

Councilman Nathan Thomas asked if the parking lot would be kept open. Supervisor Thomas stated that Supt. Bradley talked to him about that. There are some 6x6 treated timbers there and weren't sure where they were so he didn't want to tear them up.

Sandy's been out of town for a couple weeks and will be back this week and they will locate them. Councilman Nathan Thomas stated put some plow markers up. Councilman Carl Thomas asked if that was so they can use the trails in the winter time or will it encourage things we don't want like snowmobiles. Councilman Nathan Thomas stated it is a small parking lot, some people use it for snowshoeing and cross country skiing. It will get them off Murray Road. It's only big enough for 3-4 cars it's not big enough for snowmobile trailers.

Supervisor Thomas stated there have been people snowshoeing and skiing on the trails.

New Business:

Standard Medical Testing:

125-14. A resolution was made by Supervisor Thomas seconded by Councilman Carl Thomas to enter into the agreement between Mountain Medical Services, LLC ("contractor"), located at 319 Bay Road, Queensbury, NY 12804 and the Town of Stony Creek ("client").

This agreement shall be in effect from the date of execution and remain in effect for the period beginning January 1, 2015 through December 31, 2015.

The responsibilities and obligations and liabilities shall survive the term of this agreement.

This agreement may be cancelled by either party after thirty days of written notification.

Both parties to this agreement are independent contractors and nothing contained herein shall be construed to place the parties in the relationship of partners, joint venture, principal-agent or employer-employee, and neither party shall have the power to obligate or bind the other whatsoever beyond the terms of this agreement.

Standard Medical Services, LLC. Will invoice the town for all services provided on a monthly basis. Standard Medical Services, LLC. Will be compensated for its services as follows:

Urine drug screen \$48.00 per employee; alcohol breath testing \$30.00 per employee and Dot physical examination \$95.00 per employee.

Standard Medical Services, LLC. will invoice the client for an annual administrative fee of \$0.00 for updating and maintaining employee data in relation to random drug screening as required by the Department of Transportation (DOT).

The provisions of this agreement shall be construed, interpreted and governed by the substantive laws of the State of New York, including all matters of construction, validity and performance.

In witness whereof, the parties hereto have caused this agreement to be executed as of December 16, 2014. Roll call vote, all in favor.

126-14. A resolution was made by Councilman John Thomas seconded by Councilwoman Ryan authorizing the Supervisor to sign the 2015 Senior Transport Agreement between the Town of Stony Creek and the Warren-Hamilton Counties Community Action Agency in the amount of \$5040.00 with \$1680.00 being reimbursed by the Office of the Aging.

Roll call vote, all in favor.

Cedarwood Engineering Contract:

Supervisor Thomas stated they have helped the town out a couple times, mainly they helped with the floor drains and oil tanks, digging in the back and testing the ground, they helped a little on the Dean Trails. This contract pertains to the grant the town received for a compost toilet and covers everything they do. Cedarwood Engineer submitted a contract along with a rate sheet to be reimbursed for any work they do pertaining to the compost toilet we have to have an actual drafted contract in order to be an eligible expense. There was a bill in the General Fund in the amount of \$1627.00 pertaining to that. They have done some research on compost toilets. There are options and that's about all they have done. They also have been doing the landfill. This contract is similar to the Towns of Chester, Thurman, Horicon and Warrensburg. For engineers they are pretty reasonable.

Councilwoman Ryan asked if this a yearly contract. Supervisor Thomas stated yes. It goes from January 1st, 2015 to December 31st, 2015. The town can terminate the contract with two days' notice. Councilman Carl Thomas stated it says they should attend one board meeting per month, does that mean its mandatory or they are available for that. Supervisor Thomas stated he thinks they are available for that. Tom Suozzo has a lot of experience, he use to work for DEC around Syracuse. Jonathan Sukoff is younger, maybe in his 20's.

127-14. A resolution was made by Councilman Nathan Thomas seconded by Councilwoman Ryan to enter into a contract with Cedarwood Engineer Services for the year 2015.

Roll call vote, all in favor.

Assessment:

1 Councilman Carl Thomas stated he tried to have a meeting with Attorney Cooper and is sorry
2 he isn't here tonight. He made an appointment to meet the next day and he had something
3 come up with total conflict so he didn't get to so that. He was going to have a discussion with
4 him and the first thing, Attorney Cooper assured him, anything they said couldn't be in private,
5 which he wasn't trying to hide anything, but anyway he has a question. What is the function of
6 the Town Attorney? Just what is he supposed to provide for us, do for us.

7 Supervisor Thomas stated legal opinion, legal advice. Councilman Carl Thomas stated that's
8 the total. Supervisor Thomas stated that's what he would say, yes. Councilman Carl Thomas
9 stated ok, because he. Supervisor Thomas stated he tries to keep us out of trouble, that we
10 don't do something that we shouldn't be doing.

11 Councilman Carl Thomas stated if you bear with him he has been going over the minutes of
12 the last year and he is quite dissatisfied with what he is seeing. We started out of the year. He
13 had come out of the Assessor's Office from a year ago and he thought Peter and himself
14 always had a good working relation and doesn't think it's anything bad. Apparently we're on
15 the wrong foot now. He started looking into different things and in October a year ago we
16 were discussing land values and things like that in the office Peter and himself were. And
17 Peter was reviewing sales and he was saying our values don't really jive with what we're
18 seeing in sales and we had a brief discussion on it and he bought up the one thing he would
19 like to see would be State Land, a way to determine that and he won't say Peter was in full

1 agreement. But said it would be pretty horrendous. He did say he would speak to the Warren
2 County Mapper or Ron Dickson about that. Well he (Carl) resigned from the Assessors Board
3 and he was over to the county and he asked Ron if Peter had ever mentioned it to him and he
4 said no and it was probably three or four months later, he really doesn't know how much and
5 he said he really couldn't do anything with State Land unless the State was involved and
6 suggested that maybe he (Carl) would talk to the people in Albany and he did that at a later
7 time after he had a conversation with an Assessor in the Town of Day. He said what the State
8 had provided them was very beneficial and what he was looking or thinking himself. So he got
9 ahold of the people in Albany. The name he was given and that set off a big stir. The people
10 in Albany thought it was a good idea. The State Land people thought it would be beneficial to
11 us and everything. Anyway because he had done this outside of Peters jurisdiction he guess,
12 he was very upset, extremely upset by it and he believes it was in June that Peter came in with
13 a letter and said what a bad idea it was and any information that was received from the State
14 would never be allowed in the office, they wouldn't do anything with it and he had a letter
15 there and in this letter he said it would open up a can of worms and you know the state might
16 come back on us for taxes that were over paid on land that they didn't have because of this
17 information that maybe dug out because it didn't seem or sound like a good argument to him.
18 Anyways beyond that in July Peter was not at our Town Board meeting but we were
19 continuing the discussion on the State Land and Mr. Cooper joined in the conversation and he
20 asked him what he was trying to do. What was his ultimate goal and basically he picked up
21 Peters argument and said you know he was afraid we would be agitating the State and be like
22 poking a finger in their eye, open a can of worms and this is all in the minutes. It's all there,
23 you can read it. It might get retribution from the State if we pursued this thing and it could be
24 a real Pandora Box. We got beyond that and went on to the Assessors, the other Assessors
25 who are not certified and trying to get them educated and the way of doing that was the
26 incentive or the incremental steps and we discussed that for a couple of months. Back in the
27 July meeting he said he didn't understand what Peter was saying because Peter was always
28 talking over his head and he had studied the Transitional Assessment and understood that. But
29 he didn't understand the work of the Assessor's Office. All of that was in the July meeting.
30 In the October meeting after we had talked a little about the incremental pay for the Assessors
31 trying to get them better trained and everything again Mr. Cooper got into the argument and he
32 said you know he was wasting the boards time, not holding out for hope for something maybe
33 to happen next year vote or something like that. All of this for three months has been doing
34 nothing but wasting the board's time and he's arguing, he states he's not a member of the
35 board he states he's not a resident of the town, he states he really doesn't understand the
36 assessing process. But yet he's very bias in his opinion extremely bias in his opinion. A lot of
37 times he's asked for information and basically he thinks he was relying on Supervisor Thomas
38 and Supervisor Thomas would say you didn't really know what the correct procedure would
39 be that maybe we would have to pass a resolution or local law and a lot of different things and
40 maybe have a Mandatory Referendum or Permissive Referendum all these things and the
41 Attorney was sitting there through all of this but he never come up with any law on any of it.
42 In November he did come in after we already decided not to do anything with that, he did
43 come in with the opinion of Counsel and the one he read was the one from the Comptroller's

1Office which says you can't have differencing pay between the Assessors and he also
2mentioned it to. Another opinion, 180 dramatically opposed to it that said you could do that.
3The first opinion came out in 1986 that was from the Comptroller's Office that said you could
4not do this. The other opinion came out 4½ years later in the 1990's and that was from the
5State Board of Equalization and Assessment because now the Real Property Tax people were
6under their jurisdiction and they had like a three-page opinion which said it was absolutely
7permissible and that they even encourage the town boards to consider it because getting better
8trained assessors are getting you better results and getting a better job done. All of that being
9said it seems to him that if we had. A Town Attorney should be neutral opinion, not bias.
10Attorney Cooper is very bias, its evident, you read these minutes, it's very evident to see that
11and for him to be getting into the boards conversation, which he does quite freely. He says
12he's been on the board for 21 years and after 21 years on the town board you would think he
13would know about town law off the top of his head and he thinks Mr. Cooper would had many
14opportunities to step in. There was a letter out there from the Assessors Chairman's wife that
15said we would be taking money from her husband to pay the Assessors and the law does not
16allow that, period. It doesn't allow that if you read the law. The law also states that the
17Assessors will all be paid the same amount, Certified. You can adjust them in training, which
18met that if we passed that Peter would have gotten an \$1800.00 raise the first of January
19immediately, but that's beside the point to. The thing he is getting at is that the Attorney, to
20him is not acting ethical at all in these conversations he gets into because of his bias and the
21Attorney should be neutral and when he presents the town with opinions like this, if there's
22more than one opinion he should give you both opinions. The second opinion has been used
23by many communities since it was passed and there's been no contradiction or challenge to
24that. That would be good information for the board to know. That's all he is saying and he is
25wondering if maybe we should be looking at a different attorney. 21 years is a long time but
26to many is breach of contempt as they say and he is absolutely bias and he doesn't think he
27thinks about ethics or anything and he would like to talk to him personally but he didn't really
28want to do that and that's ok, he can understand that, but he was sure hoping he would be here
29tonight because he should know all these things and he thinks the board should take it into
30consideration. He knows we have an Attorney sitting on the board but he doesn't know if it's
31required to have an Attorney at the Town Board meetings. Supervisor Thomas stated he
32doesn't know if it's required but he doesn't think he is going to operate a town in this day and
33age without an Attorney to advise us on what we should be doing. He doesn't think that's a
34wise thing to be doing at all in 2014. Councilman Carl Thomas stated you're probably right,
35he doesn't know if he would recommend it. Supervisor Thomas stated whether it's Attorney
36Cooper or not.

37Councilman Carl Thomas stated but there are towns that have an attorney on retainer, they
38don't have to attend the meetings. But they are there if you need to draw on them and they
39probably would be less money. Supervisor Thomas stated he thinks you'll find if you go
40around, you'll see every town has an attorney sitting there. Councilman Nathan Thomas
41stated the Town of Thurman doesn't, but they have a preapproved agenda and if it's not on the
42agenda they don't accept it from the floor. It has to be in two weeks before the meeting so she
43can converse with the Attorney before the meeting and nothing is accepted from the floor.

1 Councilman Carl Thomas stated there is probably other ways of doing it and he doesn't have an
2 objection to having an attorney here but he does think he should be in a neutral position he
3 should not be bias. He question the integrity of the Office of our Town Attorney right now and
4 he thinks everyone should be aware of that. Supervisor Thomas stated he wished he was here.
5 He thinks this is an issue that should be brought up with him sitting here.
6 Councilman Carl Thomas stated he does to but unfortunately he's not here tonight and like he
7 says it would have been his choice to talk to him personally but he, we had a meeting couldn't
8 keep it and he didn't seem, he seemed reluctant to have it and he didn't discuss the topics or
9 anything on the phone. Anyways he brought it to the board's attention.
10 Supervisor Thomas asked if he had anyone in mind. Councilman Carl Thomas stated
11 absolutely not this is all new to him believe it or not. He's been in the corporate world not in
12 the political world. Supervisor Thomas stated this is a discussion we should have with the
13 Attorney whether if it's in the open session or executive session.

Budget transfers:

128-14. A Resolution was made by Councilwoman Ryan seconded by Councilman John Thomas authorizing the following budget transfer:

Debit Fund Balance in the amount of \$4904.06.

Credit A7180.1 Special Recreation Personal Services in the amount of \$1804.06.

Credit A7180.4 Special Recreation Contractual in the amount of \$3100.00.

Roll call vote, all in favor.

129-14. A resolution was made by Councilman John Thomas seconded by Councilman Carl Thomas authorizing the following budget transfer:

Debit A1990.4 Contingent in the amount of \$3279.94.

Credit A9030.8 Social Security in the amount of \$614.00.

Credit A1620.1 Maintenance in the amount of \$470.00.

Credit A7180.1 Special Recreation Personal Services in the amount of \$2195.94.

Roll call vote, all in favor.

130-14. A resolution was made by Councilwoman Ryan seconded by Councilman Nathan Thomas authorizing the following budget transfer:

Debit Estimated Revenue DA4960 FEMA in the amount of \$17,636.91.

Credit DA5142.4 Snow Removal Contractual in the amount of 17,636.91.

Roll call vote, all in favor.

Supervisor Thomas reported the Organizational Meeting will be held on Saturday January 3, 2015 at 10:00 AM.

From the floor:

Peter LaGrasse stated he was not prepared to Councilman Carl's Thomas's plans to make a statement summaries of a year's transactions involving the Board of Assessors. But one of the hi-

lights of Councilman Carl Thomas's remarks have to do with the assessment of State Land and their inventory of that assessment involving timber. He made it clear with his letters, his research into the matter that he could not use the timber values on State Land as a comparison to private land unless he knew that the private land was identical in value. He went into the greatest of detail to show that for each parcel of State Land. There were numerous sub parcels with different values, different growth patterns and things like that and that therefore the proposal that Councilman Carl Thomas made, which would in all circumstances be wonderful if he could use it. He can't use. He showed that they are using three dimensional aerial photographs. He went through the whole process. So he just wanted to refresh your memory to the fact it was not a denial of Councilman Carl Thomas remarks without reason after studying them very carefully. Now in this process he got access to what the State knew about where these parcels were and they were centroid maps, a map with a dot and a lot numbers. He drew those lots up throughout the whole town and created something that would otherwise have taken probably hundreds of thousands of dollars for the county to produce this type of map. Is it geographically accurate? It's roughly accurate. From this process he has been able to gain increase value by convincing the State to increase the value on three-parcels where the road goes from Harrisburg Road to Moosewood Lodge and was shown to be passable. Just last month he investigated the shoreline values on New Lake and he convinced the State man that he should look into it and he did look into it and what he found was that because it's an accessible road and the distance from that road to the lake is such that conservable you could go to it, he is giving shoreline value. It's about \$129,000.00. He is not ignoring the comments that Councilman Carl Thomas is making. He is trying to use them in a sensible way when it's possible to use them and with great effort on his part to establish this stuff. From that value he has the shoreline values on the little lake. There is another little lake it's called, St. Johns Lake and you can guarantee that he is going to be putting the same kind of value on that that is higher then what he now has on that parcel, remote as it is. He is looking at those things. He is looking at something that is comparable on State Land, although he is limited in using the timber. He can make timber estimates and he is looking in to that, but there is another value on the state land that he can use its called Bare Land Value. So he is studying the Bare Land Value on the state land compared to what he does, otherwise to see if when there is parcels that are forestry parcels. He can enhance value reasonably with some reasonable bases. This is all study Councilman Carl Thomas mentioned. That he was studying the sales. He does not just ponder about something and say oh I'm going to do this, it's good. He study's statistically and go back three to five years of sales to determine because he can't. He has to go back in time because otherwise he would have to expand horizontally, which means go to Thurman, Warrensburg and Lake Luzerne. He is hesitant to do that because he feels those values are not in the same market as our values here. So instead he goes backwards in date. Yes he is making studies all the time to figure out what's the best thing to do. That's what he is saying, you're seeing progress, you're seeing him doing things that quite honestly, there isn't an Assessor around that would create a map like he created. They don't have the ability to do that. They don't get trained to do that, it's not in their background to make this sort of stuff. To than have the confidence of the State land so that he knows he's just not trying to get an extra buck but trying to correct his inventory itself. He has that confidence and he says this is as far as he can address what Councilman Carl Thomas has

remarked to because he has already addressed on what he has commented on in specific detail at the time that he made those comments.

Councilman Carl Thomas stated he isn't here to criticize him or kick his work. He thinks he is doing a hell of a job. He thinks the information he got from the State has been very helpful and he is using it and he is glad. He is not trying to criticize his work or anything but the more information Peter has the better you can do with what he is doing right now. As far as taking State land values with timber values and all of that and taking a 10-acre parcel here and taking a 10-acre parcel here and saying well this is private but it has to be the same as that now. But you have information you can take and study and look at it and compare and you can come to some sort of a reasonable knowledge on that. That's all he is trying to do is get more information into Peters hands to work with and he is done with that because that's behind us, he's not pursuing that.

Assessor LaGrasse stated the next step that he would go in that direction would be to spot cruse parcels. But he would be doing that without an official training he can learn this by looking in a book, but it's nice if you have a degree when you do something like that. This is way beyond what anyone would be doing.

Councilman Carl Thomas stated it's there for informational use. You made good use of the information. It came from the State because of a conversation he had with Mr. Hopkins, all he is saying is he is not putting Peter down.

Assessor LaGrasse stated whatever you come up with he is not ignoring it. He is working with it the best he can in a way to apply a principal that works uniformly throughout the town so it's not spot assessment.

Councilman Carl Thomas stated he is not criticizing his work and he is trying to get more help in his office too.

Assessor LaGrasse stated the State doesn't give any credit on the other side of Lens Lake they are calling it all marsh. Sometime he will look and see if it's all marsh.

Supervisor Thomas wished everyone a Merry Christmas and Happy New Year.

A motion was made by Councilman Carl Thomas seconded by Councilman Nathan Thomas to adjourn the meeting at 7:57 PM. All in favor, motion carried.

Respectfully submitted,

Susan Harrington, RMC
Town Clerk