

February 17, 2015

The regular Town Board meeting of the Town of Stony Creek was held on February 17, 2015.

Supervisor Frank Thomas called the meeting to order at 7:01 PM with members present:

Councilman Nathan Thomas

Councilwoman Doreen Ryan

Councilman John Thomas

Councilman Carl Thomas

Attorney James Cooper

January 20, 2015 minutes

A motion was made by Councilwoman Ryan seconded by Councilman Nathan Thomas to accept the January 20, 2015 minutes. All in favor, motion carried.

047-15. A resolution was made by Councilman Nathan Thomas seconded by Councilman John Thomas to pay the General December Final bill in the amount of \$43.86. Roll call vote, all in favor.

048-15. A resolution was made by Councilwoman Ryan seconded by Councilman Carl Thomas to pay the Highway December Final bill in the amount of \$725.16. Roll call vote, all in favor.

A resolution was made by Councilman John Thomas seconded by Councilwoman Ryan to pay the General Fund bills in the amount of \$7000.56.

Discussion: Councilman Carl Thomas stated there is a bill for the Warren County Assessors Association, he sees we paid for the Chairman and two Associate Members. In the past we only paid the one fee for the Chairman and the others is not really a concern. The other question he would have is, are the Associate Members active or not. Last Fall you were talking about having a reduction probably the first of the year and he is wondering what has become of that. Just to address this here you don't need to pay for the Associate Members especially if they're not active. Supervisor Thomas stated we don't have to pay for anything.

Councilman Carl Thomas stated it's only \$15.00 but he is just saying a dollar is a dollar and in the past we've basically rode along on the Chairman's thing. Supervisor Thomas stated so you want to remove the two Associates or one. Councilman Carl Thomas stated he doesn't know what's going on with the Associates. If they're active he has no problem with that. Supervisor Thomas stated one of them is sitting right here so we can ask him.

Councilman Carl Thomas asked Brandon Thomas if he was active in the Assessor's Office. Brandon Thomas stated yes. He just completed the Fundamentals of Assessment Administration Course by the State a couple weeks ago and is waiting on confirmation of Certificate of that. Right now the only thing he is lacking is the Ethics, which he has the remainder of the year to complete, when it comes he may have to go through Manfred to get it. Peter LaGrasse contacted him the other day on a few things he wants him to help work on. Right now it's meeting between him and Peter to get that stuff done. As far as the Associate Member he knows he is active, he hasn't heard anything from Zack.

Councilman Carl Thomas stated he doesn't think its bad the Associates Members to be members because you get notifications of the meetings and stuff. So he would think that would be a good thing, but he hates throwing money away for nothing.

Supervisor Thomas stated we're still at the same point. Do you wait to change it or leave it the way it is? Councilman Carl Thomas would like to verify the members are active before we pay it. Supervisor Thomas stated we can withdraw that bill. Councilman Carl Thomas stated its number 33, Warren County Assessors Association. Supervisor Thomas asked Councilman John Thomas if he wanted to amend his resolution along with Councilwoman Ryan in the amount of \$55.00. Councilman Nathan Thomas stated if we don't pay it no one receives e-mails?

Supervisor Thomas stated right. Councilman Carl Thomas stated we can get an answer by next month right? Supervisor Thomas stated yes. Councilman Carl Thomas stated that's all he's looking for.

049-15. A resolution was made by Councilman John Thomas seconded by Councilwoman Ryan to pay the amended General Fund bills in the amount of \$6945.56. Roll call vote, all in favor.

050-15. A resolution was made by Councilwoman Ryan seconded by Councilman Carl Thomas to pay the Highway Fund bills in the amount of \$45,939.88. Roll call vote, all in favor.

Town Clerk report:

Postage Fee	\$ 7.55
Fax	1.00
Copies	.25
Historical Book-Volume 2	<u>25.00</u>
Total Town Clerk fees	\$33.80
Dog Licenses	<u>20.00</u>
Total town Revenues to Supervisor	\$53.80
NYS Ag and Markets	<u>4.00</u>
Total Disbursed	\$57.80

Correspondence:

Stony Creek Library- permission to use the town hall for the following:

Friday March 6th Joel Brown Concert from 6-9 PM.

Saturday March 28th Stained Glass Workshop 8AM-6PM.

Saturday April 11th Silver Ring Workshop 8AM-7PM.

Friday April 17th The Nellies Concert 6-9PM

Saturday May 2nd Glass Bead Workshop 9am-6pm

Marie Frankson-permission to use the town pavilion for her wedding June 27, 2015.

A motion was made by Councilwoman Ryan seconded by Councilman Nathan Thomas authorizing the Stony Creek Free Library to use the town hall for the following:

Friday March 6th Joel Brown Concert from 6-9 PM.

Saturday March 28th Stained Glass Workshop 8AM-6PM.

Saturday April 11th Silver Ring Workshop 8AM-7PM.

Friday April 17th The Nellies Concert 6-9PM.

Saturday May 2nd Glass Bead Workshop 9AM-6PM. and also

Authorizing Marie Frankson to use the town pavilion on June 27, 2015 for her wedding. All in favor, motion carried.

Old Business:

Supervisor Thomas reported that Sue Brooks with the Boy Scouts asked to address the Board tonight to discuss an Eagle Scout project.

Delbert Clements is starting his Eagle Scout project and he is putting in a backstop at the town park. He has yet to get his three cost estimates and will submit them at the next Town Board meeting. By mid-July the project will be done. As far as fund-raising goes, he placed fund-raising boxes at the Library and town market and this Saturday he is having a bottle-drive from 5-7PM at the firehouse.

Supervisor Thomas thanked him for the updates and look forward to working with him and getting the job complete. Mrs. Brooks added that he will be looking for not only the boys to help but any volunteers. There have been some that said they would help and possible maybe some equipment to bring down. Mrs. Brooks also stated there is an electric wire and asked if it could be shut off while they are working so no one gets hurt. Supervisor Thomas stated he thinks it can be shut off on the pole. Mrs. Brooks asked when they submit the estimates, which Mr. Clements will be going to Asko Fencing Co., Lowes, and Home Depot. Is there any special way to submit that, just get a written estimate? Supervisor Thomas stated yes basically, just try to have apples to apples so you can compare the same thing. Mrs. Brooks stated he has a diagram of the size and all that kind of stuff. Councilman Carl Thomas stated he might want to consider Hill Electric also in Glens Falls, their pricing seems to be better sometimes. Mrs. Brooks asked if they carry fencing stuff. Councilman Carl Thomas stated he wasn't sure of their full line. Mrs. Brooks asked if there were any other suggestions on where to get the fencing stuff. Supt. Bradley stated there's fencing we got from the airport. Supervisor Thomas stated there is some down there, some of it is like 7 foot. Mrs. Brooks asked where the fence was. Supervisor Thomas stated at the transfer station. There's quite a lot of chain link there, there's not much pipe. Supt. Bradley stated there isn't any pipe. Mrs. Brooks stated if we could re-cycle it. Supt. Bradley stated he doesn't know if the Town Board wants to use it for anything. Mrs. Brooks and the Boy Scouts will go down and look at it. Supervisor Thomas stated it's out behind the bigger building. Mrs. Brooks stated they will probably stop at Curtis also to keep it local. Councilman John Thomas stated Braley & Noxon maybe a good one to check too. They have pretty good prices.

Mrs. Brooks also stated the three gentlemen with her will also be going for their Eagle Scouts within the year. And her son Ryan has expressed redoing the basketball court. There is graffiti and profanity down there and it's pretty cracked up. He's going to do painting and maybe add some benches, whatever direction the Board gives him. The other two gentlemen are always open to ideas. Supervisor Thomas thanked them for coming out and Mr. Clements thanked him for the time.

Code of Ethics amendment:

Supervisor Thomas stated we talked about this last month and decided to set it aside for a month and asked the Attorney to add some Whereas to Section 9, which he has. He doesn't know if the Board had time to read them or look them over.

Councilman John Thomas stated the only thing he had a question on. It said basically that if you're involved with the fire dept. that you would state we're involved with the fire dept. at every meeting. Would it be just as simple or would it cover us if on the name plate if they put member of the fire co. so they wouldn't have to do that every time or forget to do it. Would that be acceptable also?

Attorney Cooper stated you would only have to do it with the fire dept. bills. How many times does that come up a year, maybe 6-7?

Councilman John Thomas stated it's about that. Supervisor Thomas stated it's not a lot.

Attorney Cooper stated at the last meeting he suggested maybe do it at the Organizational Meeting just to identify the Board Members. He thought about that but he doesn't think that's right, you're going to have to do it every time the issue comes up or an issue comes up involving the fire co.

Attorney Cooper suggested we do this in two parts. Section 8 Recusal, he doesn't know if the Board members have any issues about that. That it just gave from the various opinions we got from the various State Lawyers in Albany, that you had to leave the room, you had to get up out of your chair and so forth. One said yes one said no so if we nail it down like this it seems to him there won't be any confusion about that issue for the future. Section 8 doesn't seem to him controversial but the other Board Members may feel that it's lacking or too much in some respect. Supervisor Thomas asked if anyone had any comments or concerns. Councilman Carl Thomas asked if they had to choose one of the two. Councilman Nathan Thomas stated that one is in general. The Recusal, whether it's himself on a family member involved in another situation so forth and so on. Whereas Section 9 is just for the fire co. That's why we should do it in two parts. It's just stating that decision was raised in whether you should leave the room or whether you should step in to the audience or whether you should stay out of the conversation and this clarifies that. Attorney Cooper stated one of the State Lawyers thought that a Board Members continuing to sit next to his/her other Board Members gave the appearance to the audience that it was all incestuous in the sense that there wasn't independent judgment going on and somebody might be compromised by criticizing that member when they're sitting right next to them. But he thinks that is a strained analysis to him.

But that's for the Board Members to decide. So we came up with this solution for various involvements of Conflict of Interest in what the Board Members should do in those circumstances. That's Section 8 conclusively. Supervisor Thomas stated he thinks its fine.

051-15. A resolution introduced by Councilman Nathan Thomas seconded by Supervisor Frank Thomas resolution to amend the Code of Conduct of the Town of Stony Creek of Warren County, New York BE IT RESOLVED, that the Code of Ethics of the Town of Stony Creek be and is hereby amended to add:

SECTION 8. RECUSAL:

A. If a member of the Town Board is required to recuse himself/herself from participating in discussion of an issue before the Board and/or is required to recuse himself/herself from voting on a resolution or local law, during discussion of the issues or the Town Board's vote on the issue, said Town Board Member may remain seated as a Board Member and remain silent, or alternatively leave the meeting room.

B. In the event that the issue before the Town Board is open for public comment or discussion before being acted upon, a Town Board Member required to recuse himself/herself who wishes to speak on the issue must leave his/her seat and do so as a member of the audience, but only after disclosing to those in the meeting room and the Town Board the nature of his/her conflict of interest in detail. Roll call vote, all in favor.

052-15. A resolution introduced by Supervisor Thomas seconded by Councilwoman Ryan To amend the Code of Conduct for Officers and Employees of the Town of Stony Creek of Warren County, New York as it pertains to members and officers of the Stony Creek Volunteer Fire Company, INC.

WHEREAS, the Town of Stony Creek, New York is composed of approximately seven hundred full time residents according to the census of 2010, and

WHEREAS, a functioning volunteer fire company and emergency squad which operated under the aegis of the fire company, are essential services for the protection of the health, welfare and safety of the residents of the town of stony creek, and

WHEREAS, the residents of the town are completely dependent on voluntary service by adult citizens of the community to man the fire company and emergency services squad, and

WHEREAS, because of the population of this rural town and the inability to staff these services with paid employees, it is necessary for the town to encourage volunteering to serve in the above two community services, and

WHEREAS, it has been historically common for members of the Town Board to hold simultaneous membership in either the volunteer fire company or the emergency services squad, and

WHEREAS, any Town business involving the expenditure of money requires a majority vote of the five member Town Board which would be impossible to attain for expenditures involving the volunteer fire company for any purpose if a majority of the Board could not be accomplished because of the recusal of fire company or emergency services squad members because of the appearance of the conflict of interest, and

WHEREAS, virtually all of the business conducted by the Town with the Stony Creek Volunteer Fire Company, Inc. has no direct benefit to members of the fire company or emergency services

squad and serves to protect the health, welfare and safety of the residents of the Town, and the only indirect benefit enjoyed by fire company and emergency services volunteer relates to the Service Award Program which was established by the New York State Legislature as a law to encourage volunteerism in protective services, the rates of contributions and benefits being established by law and administered by an external agency, and WHEREAS, it would be detrimental and dangerous to the health, welfare and safety of the residents of the Town of Stony Creek not to have fire protection services and emergency services because the Town Board is unable to approve fire protection contracts and to fulfill contractual obligations with the fire company, and WHEREAS, the Town of Stony Creek is a small community in which it is likely that the cross membership of Town Board members with the fire company and emergency services squad would be widely known to the voters of the community before board members were elected, and WHEREAS, only by favoring form over substance can it be argued that the general benefits enjoyed by the volunteer fire company as an entity are indirect benefits to the fire company's members, any more than a member of the Town Board indirectly benefits from fire protection and emergency services enjoyed by the entire community, and WHEREAS, the changes below in the Code of Conduct continue to require that when voting on issues relating to the fire company, Board Members having cross membership in the fire company publically disclose their membership in the open meeting to those in attendance, and WHEREAS, the Code and State Law will continue to require that a Board Member recuse him or herself from voting on matters in which they have a personal direct or indirect interest; NOW THEREFORE by majority vote of the Town Board, the following Amendment to the Code of Conduct is approved:

SECTION 9. CONCURRENT MEMBERSHIPS IN TOWN BOARD AND STONY CREEK VOLUNTEER FIRE COMPANY, INC.

A. Membership of a Town Board member in the Stony Creek Volunteer Fire Company, Inc. shall not create a conflict of interest for that Board Member in voting on or discussing issues relating to contracts with the Stony Creek Volunteer Fire Company, Inc., payments of obligations of the Town of Stony Creek to the Stony Creek Volunteer Fire Company, Inc., the Service Award Program or any other financial issues that do not personally benefit or affect the Town Board Member. Issues of finance that generally benefit all members of the Stony Creek Volunteer Fire Company, Inc. shall not be deemed to personally benefit a Town Board Member nor be an indirect benefit for a Town Board Member.

B. Nothing contained herein shall relieve a Town Board Member from the obligation to disclose that he/she is a member of the Stony Creek Volunteer Fire Company, Inc. or that he/she has a private interest, pursuant to SECTION 3E. above.

Roll call vote, Councilman Carl Thomas-Yes, Councilman John Thomas, Member of the Fire Co.-Yes, Councilman Nathan Thomas, Member of the Fire Co.-Yes, Councilwoman Ryan, Member of the Fire Co.-Yes, Supervisor Thomas-Yes.

Assessment:

Councilman Carl Thomas stated we had a brief discussion under the Warren County Assessor's Association under Old Business. Has the Supervisor heard anything from the State pertaining to individuals in office. Supervisor Thomas stated yes he did receive a copy of a letter last week pertaining to Zack Thomas. They have a consent order in the letter.

They are willing to give him until the end of the year to take certain courses but he has to sign a consent letter and send it back by he thinks March 9th otherwise they will remove him in 10 days. Councilman Carl Thomas stated the Board will be informed on whatever happens with that. Supervisor Thomas stated yes, obsoletely. Councilman Carl Thomas stated then we'll. Supervisor Thomas stated if he signs that and sends it back then he has until the end of the year. Councilman Carl Thomas stated right and asked if it gives his status of education. What he is lacking or what he's. Supervisor Thomas stated yes it listed the courses. There is one or two he has to do this year and at least two next year. His letter still sits there he hasn't seen him.

Committee reports:

Youth:

Councilman Nathan Thomas reported he talked to the Youth Director, Marcy Reisinger. She went sledding but only had her children, she stayed an hour and left. She has plans for downhill sledding at the rec. field Friday. She was going to look at Tubby Tubes and felt the temperature was to cold and decided to stay close to home.

Fire Co;

Supervisor Thomas reported he has received the 2014 Financial Report for the Fire Co.

Mini Park at the four-corners:

Supervisor Thomas reported he hasn't heard anything from CLA Site on the Creek Center project. He does anticipate to hear from the gentleman soon.

Buildings; Town Hall

Supervisor Thomas reported that KB-24 Communications was here and installed a patch panel, so we have more ports so everyone's computers can be connected to the internet at the same time. Everyone is programed and connected to the Toshiba copier. So in theory you should be able to make copies from your desk and scan back to your computer.

Insurance: NYMIR

Supervisor Thomas reported a Loss Control Specialist from NYMIR was here around January 23rd. He was here to talk in general about the town. What we do and what we have. One thing he talked about was to get us to put together three policies, Sexual Harassment, Discrimination in the Workplace and Violence. He would like to see a building use form. If someone uses the town hall, to have a whole harmless and have a form they would have to sign holding the town harmless and have the same with the pavilion. They went to the highway garage and he looked around the highway garage. He suggested we get a fire alarm system put in the highway garage with call out ability, so it would notify with a notifier company like that. He also talked about kill switches for the trucks. He did mention the biggest cause of fires in the highway garage is the battery cables, they get bad and short out. That's where the fire starts. He was going to talk with Supt. Bradley about the roads, the liability on the roads.

Basically his job is to protect the insurance company and protect the town because we belong to a reciprocal, so whatever the loss is affects us as much as everybody else. Attorney Cooper asked if there was any threat that accompany these recommendations if we didn't adopt some of these procedures will the premiums go up or anything like that. Supervisor Thomas stated he didn't threaten but he got that kind of impression. Councilman Carl Thomas asked if this a new insurance carrier we have. Supervisor Thomas stated its NYMIR. It's New York Municipal Insurance Reciprocal. It's basically town and county insurance, it's though the Association of Towns, that's where it started. They have been around for about 20 years because when he was first on the Board he remembered they were first starting and we had an opportunity to join then and we choose not to at that time.

Councilman John Thomas stated depending on the system you're looking for. The fire co. has theirs though the NY Fire and Signal. They're a little cheaper, operating cost.

Supervisor Thomas stated the gentleman was saying a dollar a foot, it will be about \$8000.00.

Councilman John Thomas stated the fire co. didn't pay that much. Supervisor Thomas stated it's probably a good idea. A fire would get going before anybody even knew it.

Attorney Cooper stated he was thinking what effect it would have trotting out a whole harmless clause and putting it in front of a lady who wants to have a wedding at the pavilion. What's the effect going to be on her and also other entities like the Library that has concerts here on Friday nights? You asked somebody to sign that, it's going to frighten them and it's a deterrent volunteerism. He thinks the town has to look long and hard before we knuckle hard in that regard. Supervisor Thomas stated he was saying what he likes but it doesn't mean we have to do it. It would depend on what it said and how it's laid out. Attorney Cooper stated what they want is someone else to sue if something goes wrong. Yes we're the insurance co. but we want to go after this individual and see if they have insurance that can be dragged in. It doesn't help the town one iota but it helps our insurance carried. Supervisor Thomas stated he doesn't know about the building use form but as far as the policies that's something that's pretty general. Most municipalities have these policies. Supt. Bradley asked if we can use Warren County's. Supervisor Thomas stated probably and modify it. Supervisor Thomas added that this will be continued he's sure.

New Business:

053-15. A resolution was made by Councilman John Thomas seconded by Councilwoman Ryan Authorizing the Superintendent of Highways to post the town roads at the Superintendent of Highways discretion as done in the past. Roll call vote, all in favor.

Budget transfers:

054-15. A resolution was made by Councilman Nathan Thomas seconded by Councilman Carl Thomas authorizing the following budget transfer:

Debit Fund Balance in the amount of \$5205.37.

Credit A7180.1 Special Recreation Personnel in the amount of \$2500.00.

Credit A7180.4 Special Recreation Contractual in the amount of \$2500.00.

Credit A6310.4 Community Action in the amount of \$205.37. Roll call vote, all in favor.

From the floor:

Attorney Cooper stated he noticed that the scouts were looking for projects and as he recollects some months ago it was indicated perhaps they could be incorporated in our inventory of town cemeteries and maybe a work project could be folded into something like that. Do you recollect if that was the case? Maybe Councilman Nathan Thomas could remember something they could do. Councilman Nathan Thomas stated he knows we talked about it but just haven't settled in with them. He talked to them about the Veterans Memorial. The problem with the two boys. Delbert ages out in June and Ryan is right behind him. The inventory of cemeteries and the Veterans is a lot more research so they were looking at the faster projects to make sure since they have done all the work of the Merit Badges so that they could receive their Eagle. It's defiantly needed but less involved then those two projects. They have until their 18½ years old, they have to have all their Merit Badges done when there 18 year old, but they have until their 18½ to complete their Eagle Scout project. It took research to find that but it is listed that way. Delbert ages out like May so he'll have a hard time getting in the ground by then to complete this but as long as the paperwork is in order at that time he can finish it up beyond that point.

Councilman Carl Thomas stated on the cemeteries there are 2-3 existing books in the inventory and maybe to take those and just verify them or review them would be a good start for something like that.

Councilman John Thomas asked what the liability on repairing the headstones was. The main reason he asks is due to the winter there is a lot of pine trees in quite a few cemeteries we have and there are two broken headstones in the cemetery next to his property that broke this winter from limbs falling down. He didn't know who can fix them, what the liability is. Attorney Cooper stated technically the headstones belong to the families and you would have to get their consent to do any work on them, otherwise your only option is to prop up the broken piece next to the other one. It's ironic that in the whole State of New York there's one case that deals with what happens when somebody is hurt when a tombstone falls over on them and it is somebody vs the Town of Stony Creek. The Court says it's not the town's fault. So once you got the consent of the family you could put metal strips and drill holes if that's what they're willing to do. Otherwise you really don't have any other recourse. If the family's unknown or it's like one of those stones from the Great Sacandaga, which he doubts they would break, Councilman John Thomas stated no and stated he saw in the Post-Star this fall an outfit from Cambridge or from over that way, was doing repairs in the cemetery and we have a few that do need some repair. Attorney Cooper thinks the way to do it, if he's willing, would be to ascertain what the family is, contact the family and put them in touch with the funeral director because they would be in the best position to know who could repair these things.

A motion was made by Councilman John Thomas seconded by Councilwoman Ryan to adjourn the regular town board meeting at 7:44 PM. All in favor, motion carried.

7:44PM. Supervisor Thomas opened the Settlement Day meeting. This is an opportunity for the Board Members to review the records of the Town Court, Supervisor and Town Clerk.

7:57PM Supervisor Thomas stated that everyone has had an opportunity to review everyone's books and found them to be in order.

055-15. A resolution was made by Councilman Nathan Thomas seconded by Councilwoman Ryan On February 18th, 2015 in compliance with Section 20-19a of the Uniform Justice Court Act the Stony Creek Town Board conducted the required examination and audit of the Town Courts Records and found them to be in order and complete. Roll call vote, all in favor.

A motion was made by Councilwoman Ryan seconded by Councilman John Thomas to adjourn the settlement day meeting at 8:00 PM. All in favor, motion carried.

Respectfully submitted,

Susan Harrington, RMC
Town Clerk