

**TOWN OF NORTH HARMONY  
BOARD MEETING  
MONDAY, 10/14/08 8:00 PM**

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<b>SALLY P. CARLSON, SUPERVISOR</b>	<b>PRESENT</b>
<b>RALPH, WHITNEY, COUNCILMAN</b>	<b>PRESENT</b>
<b>ART THOMAS, COUNCILMAN</b>	<b>PRESENT</b>
<b>FRANK STOW, COUNCILMAN</b>	<b>PRESENT</b>
<b>BETH WARD, COUNCILWOMAN</b>	<b>ABSENT</b>

**OTHERS PRESENT:** Jay Gould & Dick Babbage, Legislators; Dave Stapleton, Attorney; Ben Klein, Post Journal; Louise Ortman; Ralph & Muriel Bramble; Lynn Smith; Gary Ryan, Highway Sup't.; Howard Peacock & Everett Bensink, Justices; Brad Lawson, Zoning CEO; Robin Miller, Bookkeeper; Nancy Thomas, Town Clerk

- 6:45 - WORK SESSION – 2009 BUDGET
- VOUCHER REVIEW
- 8:00 - CALL TO ORDER

- MINUTES

MOTION #128 OF 2008

ON A MOTION MADE BY MR. WHITNEY AND SECONDED BY MR. THOMAS THE MINUTES OF THE 9/8/08 BOARD MEETING WERE ACCEPTED UNANIMOUSLY.

- PUBLIC COMMENT

MURIEL BRAMBLE, CONNELLY PARK

**Mrs. Bramble** said she has in her deed an access to the lake (30'W x 100'L extension of Winona Ave.). She said she is the only home in the area that does not have a dock right. She would like to request a docking permit from the town similar to the type the Town of Busti has issued to applicants that is renewed on a yearly basis.

**Mrs. Carlson** said she would like to contact the Village of Lakewood about this because she understands they have run into some major glitches with this type of permit. She asked if any of the properties across Rt. 394 have an access right.

**Mrs. Bramble** said she did not believe so. She said she is unaware of who owns the ROW but assumed that the town would want to claim that right under imminent domain law.

**Mrs. Carlson** said she would research the matter to determine ownership of the ROW.

- ANNOUNCEMENT:

- CHAUTAUQUA COUNTY ENERGY CONFERENCE AND EXPO (Wind, Solar, Gas) – 11/14-15/08 12:00 PM at Chautauqua Suites – Speakers, Greg Edwards and Doug Champ

- CORRESPONDENCE:

*Mrs. Carlson said the following correspondence has been received and is available for review.*

**TOWN BOARD**

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1. **LIN TV & TIME WARNER – CHANNEL DISPUTE**

2. **NYMIR – Insurance rates down 5 – 6%**  
**- Inspection results**

Mrs. Carlson said the fire extinguishers at the town building need to be inspected. She asked Mr. Ryan if he had the number for the person who does the Highway.

Mr. Ryan said he would take care of that.

Mrs. Carlson said we also need to get an insurance form from the Sheriff's Dept. for the gas tank they use at the Highway. She said there was also an issue with spare acetylene torches at the highway building.

Mr. Ryan said the torches have been taken care of.

- **New Website for NYMIR [www.nymir.org](http://www.nymir.org)**

3. **NYS - \$12,838 PER CAPITA AID**

4. **NYS DOT – ADOPT A HIGHWAY**

Mrs. Carlson said the DOT is changing their procedure for the program and the town has decided to opt out of the program. She said the last time we had done it at the exits on I-86 we had been hauling car hoods up hills and it was just too much to handle.

5. **NYS PUBLIC SERVICE – NATIONAL GRID RATE INCREASE HEARING**

6. **CHAUTAUQUA CO. FINANCE – SALES TAX ESTIMATE FOR 2009 OF \$536,958**

7. **CHARLES SCHUMER – Brownfield assessment and cleanup**

- **2009 Laura Bush 21<sup>st</sup> Century Library Program**
- **Museums for America**

Mrs. Carlson said she had called about the Museum grant and it has to be a museum that is opened currently and serving the public at least 120 hours per year.

8. **DOMAIN NAME FOR TOWN OF NORTH HARMONY**

Mrs. Carlson said a fax was sent on 10/6/08 stating we had until 10/6/08 to renew. She said she believed we had paid \$300 for 10 years and thought that this time had expired.

Mrs. Thomas asked if it was purchase through Alltel.

Mrs. Carlson said she believed so, but it was not an Alltel number (Domain Registry Rights, NY, NY).

Mrs. Thomas said she would look into the matter.

9. **NYS DEC – GRANT ON INVASIVE SPECIES**

Mrs. Carlson asked Mr. Thomas if he wanted to pursue it in relation to vegetation found adjacent to his property.

Mr. Thomas said since it is Watershed property perhaps it should be forwarded to them.

10. **CHAUTAUQUA CO. COMPREHENSIVE PLAN – Meeting Dates:**

- **Wed. 10/15/08 5:00 PM at CLCS Auditorium**
- **Tues. 10/28/08 2:30 PM at Chautauqua Suites**
- **Wed. 11/5/08 5:00 PM at Chautauqua Suites**

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11. **CHAUTAUQUA LAKE ASSOCIATION (CLA) – Info on Lake Assoc. and Cornell University Research Pond and Aquatic Plant workshop and plant and insect interaction held at Bemus Pt. Casino**

**Mrs. Carlson** said a brochure was provided to all elected officials, members of the CLA and public. She said in the brochure Bob Johnson, Cornell Univ. stated that in his scientific opinion the aquatic herbivores were the primary reason for the lack of nuisance weed growth in Burtis Bay this summer. He said that although they were not the sole factor, they also contributed to the overall good condition of the lake this summer.

12. **NYS ENVIRONMENTAL FACILITIES CORP. – New info on water quality project and expectations**

- **OLD BUSINESS:**

- **LWRP**

**Mrs. Carlson** said the town has been working on the Lake Water Revitalization Project Law for some time and the process should continue.

MOTION #129 OF 2008

ON A MOTION MADE BY MR. WHITNEY AND SECONDED BY MR. STOW THE LWRP LAW WAS UNANIMOUSLY REFERRED TO THE PLANNING BOARD FOR THEIR REVIEW AND RECOMMENDATION.

- **TRANSFER STATION – Continue extra employee?**

**Mrs. Carlson** said the transfer station has provided an extra employee to help during the summer months at a cost of \$460.00 per month. She asked if the town wanted to consider keeping the extra help through the end of the year. She said the contract was for June, July, August and part of September, but she had extended it through October because everyone has been pleased with the service.

**Mr. Stow** said that traffic at the station would diminish during the winter months.

**Mr. Thomas** said it was of a great help to the many seniors in the area.

**Mrs. Carlson** said Mr. Penhollow had stated that even at this time of year the traffic is pretty steady with rarely even a 5 minute break.

**Ralph Bramble** said the extra help is a good service to the community.

MOTION #130 OF 2008

MR. THOMAS MOTIONED THAT THE CONTRACT FOR THE EXTRA EMPLOYEE AT THE TRANSFER STATION AT A COST OF \$460 PER MONTH BE EXTENDED THROUGH 12/31/08. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **TIME WARNER – EXTENSION OF CABLE LINES – Request submitted for Morley, Stow, Carpenter-Pringle, Ramsey, Cheney, Bly Hill, Butts Roads, Magnolia-Stedman**

**Mrs. Carlson** said she had submitted the request for cable line extension study to Time Warner. She said Time Warner has agreed to send a crew to review the area.

- **TOWN OF NORTH HARMONY COMPREHENSIVE PLAN STUDY – Survey forms mailed TOWN BOARD**

**Mrs. Carlson** said a number of surveys have already been completed and returned.

**Mrs. Thomas** said she would guess that 350 – 500 surveys have been returned at this time.

- **ADULT ENTERTAINMENT LAW FOR NORTH HARMONY**

**Mrs. Carlson** said the Planning Board has completed the Secondary Effects Study of Adult Oriented Businesses and will be soon be providing suggestions to the Town Board for an actual law.

- **TREES AT BUTTS PARK**

**Mrs. Carlson** said Dave Spann, Consultant Forester has submitted information to the town on Butts Park (21.5 acres). This info includes soil type and trees and he states he can assist the town in conducting a timber sale on the property for a cost of 5% of receipts. Mr. Spann stated he would mark the trees, do the bidding and develop a long term management plan for future harvesting. Mrs. Carlson said some of the trees need to be removed because there will be continued dumping of silt at the site and unless they are removed they will continue to die.

**Mr. Stow** asked if Mr. Spann would do the clean up of any damage after the harvest.

**Mrs. Carlson** said it could probably be specified in the contract.

MOTION #131 OF 2008

MR. STOW MOTIONED TO ENTER INTO A CONTRACT WITH DAVE SPANN, LAND MANAGEMENT SERVICES, TO MARK, BID AND DEVELOP A LONG TERM MANAGEMENT PLAN FOR FUTURE DEVELOPMENT OF THE BRUSH DUMP AND FOREST AREA AT BUTTS PARK FOR 5% OF THE PROCEEDS. MR. THOMAS SECONDED. DISCUSSION:

**Mr. Whitney** asked about the proposal that John Best had submitted at the September meeting which had been tabled.

**Mrs. Carlson** said Mr. Spann would mark the trees and bid them and Mr. Best could certainly bid on the cutting and removal.

**Mr. Whitney** reviewed Mr. Best's proposal from the 9/8/08 minutes which stated he would mark the trees, cut and skid them and mark the logs so that the town could get the log price which is usually more than the standing timber price. Mr. Whitney said that Mr. Best had said he would take care of some work in order to correct the drainage situation and other areas of trees there also need to be managed. Mr. Best had indicated that the sale of the trees should cover the excavation work needed. Mr. Best indicated he would not mark the trees unless he did the cutting.

**Mr. Ryan** said the excavation is not a concern because the county would provide dozers to do that work.

There was further general discussion and a vote was taken.

**THE MOTION WAS CARRIED UNANIMOUSLY.**

- **TRANSFER OF ASHVILLE COMMONS FROM THE ASHVILLE UNITED METHODIST CHURCH TO THE TOWN OF NORTH HARMONY AND THE TRANSFER OF A LOT FROM THE TOWN TO ASHVILLE UM FOR USE AS A PARKING LOT (Aug. 2004)**

**Mrs. Carlson** said the town thought this had been done in 2004 but it had not. She said the church had received notice from the assessor that they still owned the commons and the town still owned the parking lot.

**Mr. Stapleton** said the Church has executed the petition, and both the town and Church have executed the deed. He said he has to get the petition signed by Supreme Court Judge Walker and when that is completed the correct deeds can be recorded.

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- **NEW BUSINESS:**

- **GRAVE SITE SALES**

**Mrs. Carlson** said the price of gravesites has been discussed internally. She said Mrs. Thomas has contacted several nearby towns/villages for comparison.

**Mrs. Thomas** said the town charges \$250 per grave lot, burials are \$400 and cremations \$200. She said Ellery charges \$500 per lot for residents and \$750 for non-residents, burials are \$500, cremations \$225; Busti charges \$650 grave lot, burial \$400, cremations \$150; Village of Mayville charges \$400 grave lot. She explained that the town has not raised its prices for quite some time and the town relies on this type of funding to maintain operations at the cemeteries at an ever increasing cost to the taxpayer. Mrs. Thomas said lots in Mayville will be increased to \$500 on 1/1/09.

**Mrs. Carlson** asked if the board wanted to address this now or perhaps at the first of the year. She said if Ellery charges \$500 for residents and \$750 for non-residents, the town might like to think about that in order to prevent large block of lots being purchased simply because they are cheaper here.

There was discussion of cemeteries owned by associations and the fact that there costs are lower. It was pointed out that sometimes they are not maintained as well as those owned by towns.

MOTION #132 OF 2008

ON A MOTION MADE BY MR. THOMAS AND SECONDED BY MR. WHITEY INCREASES IN THE COST OF CEMETERY LOTS AND SERVICES WAS TABLED UNTIL THE 11/10/08 BOARD MEETING. THE MOTION WAS CARRIED UNANIMOUSLY.

- **REQUEST FOR 45 MPH SPEED LIMIT ON STOW RD. FROM 394 TO MORLEY RD.**

**Mrs. Carlson** said she had received a request from a member of the Ashville Fire Dept. that the town ask NYS DOT to do a traffic study to decrease the speed limit on Stow Rd. from Rt. 394 to Morley Rd. to 45 mph. She said there have been a number of accidents there.

**Mr. Stow** said the area where most accidents occur is at the Stop Sign's on Carpenter-Pringle where it intersects Stow Road. He said that cross road should have a 4 way Stop Sign. He said he is not opposed to lowering the speed limit but doesn't know if that will solve the problem. He said there is also the issue of enforcement.

**Mr. Thomas** said the curves near the Sr. Citizens and Caster Well Drilling is also dangerous.

**Mr. Stapleton** said that with recent litigation involving town roads it is not a bad idea to have the State come in and review a road and approve it at any time.

**Mr. Whitney** read that when the town designates the town highway as the approved highway it may regulate traffic on the county road near Stop Signs and Yield Signs.

MOTION #133 OF 2008

MR. THOMAS MOTIONED TO AUTHORIZE THE TOWN CLERK TO FILE A REQUEST WITH THE NYSDOT FOR A TRAFFIC STUDY TO DECREASE THE SPEED LIMIT ON STOW ROAD BETWEEN RT. 394 AND MORLEY ROAD TO 45 MPH. FURTHER THAT STOP AHEAD SIGNS BE PLACED BY THE TOWN HIGHWAY DEPARTMENT AT THE APPROPRIATE LOCATIONS BEFORE THE STOP SIGNS ON CARPENTER-PRINGLE ROAD. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

**Mr. Bensink** commented he has not noticed any slow downs in the 45 mph zone approaching Stedman Corners. He said the only way it would be enforced is if the Sheriff's Dept. issues tickets.

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**Mr. Ryan** said he would place the Stop Ahead signs on Carpenter-Pringle Road tomorrow.

- **HEALTH INSURANCE INCREASE – Policy Choices**

**Mrs. Carlson** said in order to provide the same health insurance the town has in 2008; the deductibles have risen from \$2,200 for a family to \$3,000, plus a 20% increase in the overall policy cost. She said we have not received firm rates yet, but hopes to get them soon.

- **PUBLIC HEARING ON BUDGET – Wed. 11/5/08 7:00 PM (?)**

MOTION #134 OF 2008

ON A MOTION MADE BY MR. WHITNEY AND SECONDED BY MR. STOW THE PUBLIC HEARING ON THE 2009 BUDGET WILL BE HELD ON WEDNESDAY, 11/5/08 AT 7:00 PM AT THE TOWN OF NORTH HARMONY COMMUNITY BUILDING. THE MOTION WAS CARRIED UNANIMOUSLY.

- **HOUSE ON WATSON ROAD**

**Mrs. Carlson** said the board had been considering purchasing the Flaminio/Andriacco home located on the corner of Watson and Stow Ferry Roads for a small Museum on the history of the Lake, Ferry, Indian Artifacts, etc., or as extra parking for the park. She said the sellers are asking \$59,500 but the town might want to bid substantially less since it needs a new roof.

**Mr. Whitney** asked about the water/septic, electric and heating.

**Mrs. Carlson** said the sellers indicated the water/sewer had passed and the home was heated with a pellet stove and electric. She said she had not seen paperwork on the water/sewer.

**Mr. Lawson** said the town might want to have the house inspected because the house is low to the ground pending any type of decision.

There was discussion of the roof cost and handicap accessibility.

**Mr. Thomas** said he believes the house is located above the flood plain and been on the market for 265 days. He said a museum would be a good addition to the town and the location would be adjacent to the town park.

**Mrs. Bramble** asked if property disclosure paperwork had been reviewed.

**Mrs. Carlson** asked Mrs. Bramble (realtor) if she would briefly look over the paperwork available on the property.

**Mr. Stapleton** asked if the town is simply exploring the possibility of the purchase and if the board will later set a price, financing, etc.

**Mrs. Carlson** indicated if the board decided to purchase the property the 2009 budget would need to be amended now to address the cost. She said there would be no bond involved.

**Mr. Whitney** said any offer should be pending inspection and **Mr. Stapleton** added acceptable financing, zoning compliance and any other contingencies necessary to legally protect the town.

*There was discussion of the wording of the motion.*

MOTION #135 OF 2008

MR. THOMAS MOTIONED TO AUTHORIZE THE SUPERVISOR TO NEGOTIATE FOR PURCHASE OF THE PROPERTY LOCATED AT WATSON ROAD FOR THE PRICE MOST BENEFICIAL TO THE TOWN AND TO PRESENT THAT PROPOSAL PENDING SATISFACTION OF INSPECTION, FINANCING, ZONING COMPLIANCE AND ANY OTHER CONTINGENCIES REQUIRED, FOR RATIFICATION BY THE TOWN BOARD. MRS.

TOWN BOARD

**CARLSON SECONDED. MR. WHITNEY, YES; MRS. CARLSON, YES; MR. THOMAS, YES; MR. STOW, ABSTAIN. THE MOTION WAS CARRIED.**

- **HIGHWAY – NEW 10 WHEELER FOR 2009**

**Mr. Ryan** asked for authorization to order the new 10 wheeler. It would not come in until after 1/1/09 and will replace the 1997 International. The specifications include the truck, box, chassis and plow at a cost of \$188,982.

**Mrs. Carlson** said her information shows the price at \$191,205.

**Mr. Ryan** said it is a state contract bid of \$188,982. He said \$10-15,000 could be saved by purchasing now because of the new emissions requirements.

MOTION #136 OF 2008

**MR. WHITNEY MOTIONED TO AUTHORIZE THE HIGHWAY SUPERINTENDENT TO PURCHASE A NEW 10 WHEELER TO INCLUDE THE TRUCK, BOX, CHASSIS AND PLOW AS DESCRIBED IN THE SPECIFICATION AT THE STATE CONTRACT PRICE NOT TO EXCEED \$189,000 AND TO BE DELIVERED AFTER 1/1/09. MR. STOW SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.**

- **PRELIMINARY ENGINEERING REPORT – ASHVILLE WATER PROJECT**

**Mrs. Carlson** said the town has no plans at this time other than having the project in hand knowing that the report is complete and there is the possibility of seeking future funding for the project.

- **HALLOWEEN HOURS – 5:30-7:30 FRIDAY 10/31/08**

- **CLMC**

**Mrs. Carlson** said the CLMC has provided sample signs for the watershed projects that the town has done at Victoria, Stow Ferry and Cheney Creek. She said until the promised funding is provided by the CLMC for these projects the signs will not be erected since the town has born the full expense to this point.

- **COMMUNITY BUILDING HOT WATER TANK**

**Mrs. Carlson** said the town buildings electric hot water tank is not working. She said in August, 2008 the town had received an estimate of \$759.56 to replace it and the most recent quote is \$921.98.

*There was discussion of converting to gas and Mrs. Miller said she would check on quotes.*

- **REPORTS:**

### **JAY GOULD, LEGISLATOR**

**Mr. Gould** said the major topic at the last Legislative meeting was elimination of health insurance for Legislators. He said the motion to eliminate the insurance was defeated 13 to 12. He said the following has occurred in the Legislature:

- Continental Airlines using Gulf Stream International is a new carrier at the Chautauqua Airport. He said as of 10/1/08 they are making 3 flights per day to Cleveland. **Mr. Babbage** said he has used the flight and it is a 19 passenger flight which flies over the lake. He said it is a nice flight of about 40 minutes. He said the prices are competitive and should be investigated if you are traveling.
- Accepted NYS grant for \$30,000 for new defibrillators for Sheriff's cars.

### **TOWN BOARD**

- Accepted \$282,000 N.Y.S. grant for the Southern Tier Task Force
- Voted to keep Legislators wages at the 2008 level
- Budget Hearings - Mr. Gould said all aspects of the budget were reviewed and areas to adjust were identified as CARTS, Sheriff's and District Attorney which could reduce the budget by about \$1,000,000.
- Resolution discussed to reinstitute the gas tax. Mr. Gould said this could increase sales tax revenues to the town.

#### **GARY RYAN, HIGHWAY SUPERINTENDENT**

**Mr. Ryan** said highway work has slowed down. He said the following work is being done:

- Ditching, installing lights in cold storage building, general work at the shop and helping others towns do work.
- completion of Training Center parking lot

#### **EVERETT BENSINK & HOWARD PEACOCK, JUSTICES (Written Report in Minute Book)**

**Mr. Peacock** said the Uniform Court System would be conducting their inspection of the court on Wed., 10/15/08. He said Tom Phillips had reviewed the court area for renovations in order to apply for grant funding.

**Mrs. Carlson** said the renovations would probably need to be advertised for bidding.

**Mr. Bensink** noted that the court has received 2,680 cases in 2008 in comparison to 2,534 at this time in 2007. He said revenues are down because of fines not paid.

#### **BRAD LAWSON, ZONING C.E.O. (Written Report in Minute Book)**

**Mr. Lawson** said there have been three new homes started and the town should see some growth even with the economy. He said he had condemned the Regnor home on Stow Ferry and commented that the fire department had done a good job at the fire. He said that the cause of the fire has not been identified yet.

#### **DAVE LLOYD, HAZARD MITIGATION**

**Mr. Lloyd is out of town but left a written report.** He indicated that he, Rex Tolman, Kim Sherwood and Rick Constantino had walked the stream at BOCE's and identified a number of watershed projects from Alexander Road to Ashville at Goose Creek and to the lake at Sunrise Cove. He said the next step in the process was for Mr. Constantino to contact the DEC. He said the Cheney Creek project still needs some work done by Dave Wilson before it can be started.

#### **NANCY THOMAS, TOWN CLERK (Written Report in Minute Book)**

**Mrs. Thomas** said that Eileen Weishan, Southern Tier West would be coming in on Wednesday to help her, Mrs. Best and Mrs. Miller begin working on a records management project for the town offices. She said they would be identifying and preparing records for retention and destruction.

MOTION #137 OF 2008

ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. THOMAS THE TOWN CLERKS REPORT WAS ACCEPTED UNANIMOUSLY.

MOTION #138 OF 2008

ON A MOTION MADE BY MR. WHITNEY AND SECONDED BY MR. STOW THE SUPERVISORS REPORT WAS ACCEPTED UNANIMOUSLY.

**TOWN BOARD**

**10/14/08 (Pg. 9)**

MOTION #139 OF 2008

ON A MOTION MADE BY MR. WHITNEY AND SECONDED BY MR. THOMAS THE  
GENEAL FUND BILLS WERE UNANIMOUSLY APPROVED FOR FUNDING.

MOTION #140 OF 2008

ON A MOTION MADE BY MR. WHITNEY AND SECONDED BY MR. STOW THE  
HIGHWAY FUND BILLS WERE UNANIMOUSLY APPROVED FOR FUNDING.

MOTION #141 OF 2008

ON A MOTION MADE BY MR. THOMAS AND SECONDED BY MR. STOW THE MEETING  
WAS ADJOURNED AT 9:45 PM.

*Nancy Thomas – Town Clerk*