

**TOWN OF NORTH HARMONY  
BOARD MEETING  
MONDAY, 11/10/08 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, Legislator; Dave Stapleton, Attorney; Ben Klein, Post Journal; Gary Ryan, Highway Sup't.; Howard Peacock & Everett Bensink, Justices; Brad Lawson, Zoning CEO; Dave Lloyd, Hazard Mitigation; Nancy Thomas, Town Clerk

- **8:00 - CALL TO ORDER**

- **MINUTES**

MOTION #143 OF 2008

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

- **PUBLIC COMMENT**

- **CORRESPONDENCE**

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

1. **CHAUTAUQUA CO. IDA – Planning Conference 12/2/08**  
**- Energy Conference 11/14-15/08**

Mrs. Carlson said she had attended a Planning Conference meeting on 11/5/08, and encouraged all present to attend the upcoming meeting on 12/2/08. She said they were very interesting and informative and would be suggesting that the Planning Board attend. She said the agenda for the Energy Conference was also available for those interested in attending.

2. **CHAUTAUQUA CO. FINANCE – Sales Tax 3<sup>rd</sup> qtr. 2008 - \$144,386.51**

3. **DAVE STAPLETON – CONFIRMATION OF DEED FILING – Ashville UM & Commons**

4. **CRAIG JACKSON – ESQ. – Letter Re ZBA decision Gibbons Variance**  
*To be discussed in Mr. Lawson's report.*

5. **DAVID A. SPANN – OUTLINE OF PROCEDURE FOR TREES AT PARK**

6. **TIME WARNER - Channels dropped**

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7. **SENATOR SCHUMER – EPA BROWN FIELDS ASSESSMENT**  
**- CONSUMER WEBSITE TO FIGHT IDENTITY THEFT**

8. **NYS WORKMANS COMP – Businesses required to have compensation insurance**

9. **NYMIR – Changes to Public Officials Liability (Dave Stapleton to review)**

**Mr. Stapleton** said he wanted to review the entire policy before making any recommendations. **Mrs. Carlson** said she would provide a copy of the policy.

10. **THOMAS MESSANA, REGIONAL TRAFFIC ENGINEER – NYSDOT – Reply to Town/County request for traffic study on Stow Road**

**Mrs. Thomas** said she had written John Bremmer, Chaut. Co. DPF regarding the request. She said she had received a copy of a letter from the NYSDOT stating the study has been initiated and when it is completed they will advise the town of their decision.

11. **SOUTHERN TIER WEST (STW) NEWSLETTER**

**Mrs. Carlson** said she wanted to make the town aware of <http://www.openbooknewyork.com/> available from STW that provides information about how towns' spend their funds using actual breakdowns of revenues and expenditures. She said the newsletter also includes personal income tax statistics and comparisons indicating that in 1996 the average New Yorker earned \$28,424 per year (Chautauqua Co. \$18,334). In 2004 NY incomes were \$38,264 (Chaut. Co. \$23,000).

12. **BS&K NEWSLETTER – Employee Benefit Law and Labor and Employment Law**

This involves a state pension reform signed into law by the governor.

13. **RESOURCE ENERGY – Royalty check in the amount of \$400.04**

• **OLD BUSINESS:**

• **HOUSE AT WATSON AND STOW FERRY ROADS**

House at Watson and Stow Ferry has been sold.

• **COMPREHENSIVE PLAN STUDY SURVEY**

**Mrs. Thomas** said of the approximately 1,300 surveys mailed, 516 responses were received from property owners participating in the Comprehensive Plan Study Survey.

**Mrs. Carlson** said that Don McCord has looked into having someone compile the information in a spread sheet form and the cost would be \$5,000. She said she would prefer to have the work done in house by Planning Board Clerk, Penny Best if the spread sheet form can be obtained from Fredonia. There was no objection to having this done.

• **2009 BUDGET ADOPTION**

MOTION #144 OF 2008

ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. WHITNEY THE 2009 PRELIMINARY BUDGET WAS ADOPTED UNANIMOUSLY.

TOWN BOARD

- **ADULT ENTERTAINMENT LAW**

**Mr. Stapleton** said he had made comments to the Planning Board on some of the language used in the draft law and had not received a copy of the final draft yet.

**Mrs. Carlson** said that the Planning Board has a meeting scheduled for tomorrow night and perhaps they will have them then.

**Mr. Stapleton** said when those changes are made a Public Hearing can be held, perhaps prior to the next board meeting. He suggested that letters be sent to area residents making them aware of the law and upcoming Public Hearing.

**Mrs. Thomas** said she would make a copy of the Secondary Study available for public review immediately and the Draft Law as soon as final changes are incorporated. She said she would take care of informing area residents of the hearing.

MOTION #145 OF 2008

ON A MOTION MADE BY MR. THOMAS AND SECONDED BY MR. WHITNEY A PUBLIC HEARING CONCERNING THE ADULT ENTERTAINMENT DRAFT LOCAL LAW WILL BE HELD ON MONDAY, DECEMBER 8, 2008 AT 7:15 PM PRIOR TO THE REGULARLY SCHEDULED BOARD MEETING. **THE MOTION WAS CARRIED UNANIMOUSLY.**

*At the subsequent Planning Board meeting held on 11/11/08, it was determined that the draft law will not be complete by the December Town Board meeting and no Public Hearing will be held at that time.*

- **ISSUE OF DOCK PERMIT BY TOWN (Sample of Lakewood's)**

**Mrs. Carlson** suggested holding the issue of the dock permit in abeyance until the town has more information.

- **NEW BUSINESS:**

- **DATE CHANGES ZBA HEARINGS FOR THANKSGIVING AND CHRISTMAS WEEKS**

November 19, 2008

December 17, 2008

- **STW FALL PLANNING AND ZONING CONFERENCE – RADISSON HOTEL, THURSDAY 11/13/08**

**Mrs. Thomas** said quite a few of the town's Planning and Zoning Board members as well as Mrs. Carlson and Mr. Stapleton will be attending.

- **HIGHWAY – ROD ASEL \$1.00/HR RAISE – Retroactive to 11/1/08**

MOTION #146 OF 2008

ON A MOTION MADE BY MR. WHITNEY AND SECONDED BY MR. STOW, A \$1.00/HR. RAISE FOR HIGHWAY MEO ROD ASEL WAS APPROVED EFFECTIVE 11/1/08. **THE MOTION WAS CARRIED UNANIMOUSLY.**

- **LARGE ART BOOK “IDEALS OF AMERICAN ART” BY SHELDON 1890**

**Mrs. Carlson** said the book has been at the town for many years and asked the board what should be done with it.

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**Mrs. Thomas** said she had checked on the internet and copies of the same art book are selling for \$500-\$1,000 depending on the condition. She said she would like to have Warren Berry of Berry's Book Store look at it and give his opinion.

**Mr. Whitney** suggested donating it to a museum.

**Mrs. Carlson** said she would prefer to donate it to the Harmony Historical Society so it will stay in the town.

**Mr. Thomas** agreed.

**Mrs. Thomas** said the book already has condition issues and if it is not placed in the proper conservation atmosphere it will continue to deteriorate. She suggested the Fenton Historical Society as a possibility.

**Mr. Thomas** disagreed and said he had donated items to them that had "disappeared".

**Mr. Gould and Mr. Lawson** suggested the Ashville Library.

**Mr. Thomas** said he would discuss it with the Ashville Library.

**Mr. Whitney** asked if any grant monies might be available for restoration/preservation of the book.

**Mrs. Carlson** said the NYS Archives does have grant money available for this type of thing.

**Mrs. Thomas** said she would contact the Archive Dept. and investigate.

**Mr. Stapleton** suggested loaning it to the Ashville Library until the possibility of grant funding is investigated.

#### MOTION #147 OF 2008

ON A MOTION MADE BY MR. THOMAS AND SECONDED BY MR. STOW DISCUSSION OF THE BOOK "IDEALS OF AMERICAN ART" WAS TABLED UNTIL FURTHER INVESTIGATION IS COMPLETE. THE MOTION WAS CARRIED UNANIMOUSLY.

#### • BETH WARD, COUNCILWOMAN – RESIGNATION EFFECTIVE 11/10/08

**Mrs. Carlson** said she had received a message on her answering machine from Beth Ward tendering her resignation from the Town Board effective immediately. She said she has requested that Mrs. Ward provide something in writing to that effect. Mrs. Carlson asked Ben Klein of the Post Journal if he would publish in his article a notification that any person interested in the Council vacancy should apply no later than Monday, 11/24/08. She said at that time interviews could be scheduled for the candidates.

#### JAY GOULD, LEGISLATOR

**Mr. Gould** said the following has occurred in the Legislature:

- Appointment of Lyle Jensen and Tom Erlandson to the CLMC
- Brian Abram appointed Commissioner of Elections
- County to borrow \$3,000,000 to build JCC Science Building (unfunded state mandate). The state will provide ½ funding; JCC ¼; County ¼. He said the county has requested that JCC provide a copy of their 10 year plan and they have agreed.
- County Home reallocating funds in order to provide \$4,000,000 to qualify for an \$8,000,000 return on a 4 year project.
- Voted to purchase 2 new medivac helicopters at \$4,100,000 (bonding \$3,200,000; grant funds \$900,000). Mr. Gould said currently the County funds \$300,000 and the hospital \$300,000 for the helicopter they already have. He said they will fly a higher level of service (35) which can be charged, as opposed to the current level which allows for no charges. He said the idea is that the service will pay for itself and save the county \$300,000 per year.
- Voted to add sales tax on gas over \$2/gal.

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- Voted to accept the budget. Mr. Gould said he had voted No because there is revenue items that he feels can't be met (e.g. landfill electricity \$500,000).
- Access to the GOB Court Building has been restricted to the North Parking Lot Security Entrance.

**RANDY HOLCOMB, ASSESSOR (Written report included in Minute Book)**

Mr. Holcomb's report stated that the Fire Districts have been balanced for the final assessment roll. The 2009 revaluation continues and he stated that the number of informal hearings would probably increase once the assessments are released. He said the values will be based on sales in North Harmony from July, 2008 and prior (while the market was still flourishing). The Enhanced STAR exemption renewal process will begin in January, 2009.

Mr. Stow expressed concern about a recent Post Journal article stating that many residents are unable to pay their taxes now. He said he was concerned about how the revaluation will affect them in the future.

**GARY RYAN, HIGHWAY SUPERINTENDENT**

Mr. Ryan said things are slow at the Highway Dept. He said currently they are cutting brush and working on other smaller jobs.

**JUSTICES, HOWARD PEACOCK/EVERETT BENSINK (Written report included in Minute Book)**

Mr. Peacock said that the court has started using a credit card machine and it is going well. He said he asked Norm Olson to draw up plans required for court office security changes in order to apply for grant funding available through NYS.

**BRAD LAWSON, ZONING CEO (Written report included in Minute Book)**

Mr. Lawson said even with the downturn in the economy the town will show some growth based on permits. He said he would be sending a letter to Ms. Regnor requesting that her fire damaged home be boarded up. He said he will be talking to her insurance company later in the week.

**DAVE LLOYD, STORM WATER PLANNING**

- **BOCES Votec Project** – Mr. Lloyd said after walking the stream in October, he, Mr. Constantino, Mr. Tolman and Mr. Sherwood feel that a step program in the smaller streams along the main stream might be beneficial in slowing the flow of stormwater. He said that the only obstacle is that the land in question is privately owned. He said Mr. Tolman will be looking at the problems on Alexander Rd. He said work on the streams coming down to Stoneledge may help reduce flooding in Ashville.

- **Cheney Creek Project** – Mr. Lloyd said the elevation study has been done and he has informed Mr. Tolman. He said he, Mr. Wilson, Mr. Gould, Mr. Tolman and Mr. Ryan would try to meet to discuss the feasibility of a weir or dam at that location. He said he and Mr. Ryan have met and discussed cleaning the stream out temporarily and building a road along the stream to facilitate work and alleviate problems with the bridge.

Mrs. Carlson asked if the town should pursue funding from the CLMC for the project.

Mr. Lloyd said yes but we should wait to see if the elevation study shows project merit. He said he has talked to them about the grant funds due for the other project in the town and he said they have expressed frustration with the slow process as well.

- **Town Property across from Mildred's in Ashville** – Mr. Lloyd said he and Mrs. Carlson had discussed tree work and some landscaping for that property. He said this might be a good project for the Landscaping and Conservation Depts. at Votec.

- Mr. Stow mentioned there is a lot of Japanese Knot Weed, an invasive species, located there and it is very difficult to destroy.

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- **Purchase of Stormwater and Effective Sediment and Erosion Control Books at \$150 – Mr. Lloyd** said he would like to purchase these two books for reference use by the town.

MOTION #148 OF 2008

MRS. CARLSON MOTIONED THAT THE TOWN PURCHASE THE STORMWATER AND EROSION CONTROL BOOKS AT A COST OF \$150 FOR REFERENCE BY ALL TOWN OFFICIALS. MR. THOMAS SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

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

**Mrs. Thomas** said that she, Eileen Wieshan, STW, Mrs. Best and Mrs. Miller had spent Wed., 10/15/08, reviewing and designating records for destruction/retention according to the MU-1 Record Retention Schedule. She said most of the records were Fiscal and dated from 1972-2001.

MOTION #149 OF 2008

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

**SALLY P. CARLSON, SUPERVISOR (Written report included in Minute Book)**

MOTION #150 OF 2008

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

MOTION #151 OF 2008

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

MOTION #152 OF 2008

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

MOTION #153 OF 2008

ON A MOTION MADE BY MR. WHITNEY AND SECONDED BY MR. STOW THE MEETING WAS ADJOURNED AT 9:10 PM.

*Nancy Thomas – Town Clerk*