

**TOWN OF NORTH HARMONY
BOARD MEETING
MONDAY, 12/08/08 8:00 PM**

SALLY P. CARLSON, SUPERVISOR	PRESENT
RALPH WHITNEY, COUNCILMAN	PRESENT
ART THOMAS, COUNCILMAN	PRESENT
FRANK STOW, COUNCILMAN	PRESENT

OTHERS PRESENT: Jay Gould, Legislator; Dave Stapleton, Attorney; Brad Lawson, Zoning CEO; Gary Ryan, Highway Sup't.; Penny Best, Deputy Town Clerk; Dave Lloyd, Stormwater Planner; Barb Hoyt, Howard Peacock, Justice; Dick Sena, Ben Klein, Post Journal; Nancy Thomas, Town Clerk

- **VOUCHER REVIEW**
- **8:00 - CALL TO ORDER AND PLEDGE**
- **MINUTES**

MOTION #154 OF 2008:

ON A MOTION MADE BY MR. WHITNEY AND SECONDED BY MR. STOW THE MINUTES OF THE 11/10/08 BOARD MEETING WITH A CORRECTION TO PAGE 4 (BRIAN ABRAM) WERE UNANIMOUSLY APPROVED.

- **PUBLIC COMMENT**
BARB HOYT, ASHVILLE FIRE DEPARTMENT

Mrs. Hoyt reminded everyone that the Fire District Commissioner election will be held on Tuesday, 12/9/08 from 6:00-9:00 PM at AFD Station II in Stow. She said candidates for a 5 year term on the ballot are Walt Feldt and she.

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

1. **E&M ENGINEERS**

Mrs. Carlson said they have suggested the town contact all government representatives and suggest a stimulus package to include putting people to work in an effort to keep construction companies from closing their doors and also provide much needed repairs to infrastructure systems.

MOTION #155 OF 2008:

MR. WHITNEY MOTIONED THAT THE TOWN SEND A LETTER TO LOCAL AND STATE REPRESENTATIVES IN SUPPORT OF A STIMULAS PACKAGE TO EMPLOY LOCAL CONSTRUCTION COMPANIES TO PROVIDE REPAIRS TO LOCAL FAILING INFRASTRUCTURE SYSTEMS. MR. THOMAS SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

2. **BRENDA JORDAN, DEUINK INS. AGENCY – INSURANCE QUOTE**

Mrs. Carlson said Deuink's has asked to submit a quote for the town's insurance for 2009. She said currently the town has insurance through NYMIR, but the request could be discussed in January, 2009.

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3. **CHAUT. CO. DEPT. OF FINANCE - CLMC GRANTS - \$10,000 Stow Ferry Project
- \$4,612.59 Victoria Rd. Project**

Mrs. Carlson said we have finally received the payments for the above grants.

4. **WINDPARKS – Information to be considered prior to signing any agreements**

Mr. Ryan said that one precaution would probably be to bond the roads in case of damages incurred during the installation of large windmills.

5. **NYS PUBLIC SERVICE COMMISSION – SUBMETERING REGULATIONS**

Mr. Lawson said he would review the document for anything pertaining to the town.

6. **TIME WARNER - Channel Elimination: WICU CH12, WSEE CH13 (Erie Channels)
-Franchise Payment \$1,603.52 (ytd total \$4,464.49)**

Mrs. Carlson said she would send a letter to Sharon Hanson, Gov't. Representative for Time Warner, protesting the elimination of the Erie Channels because many area people rely on them for weather information.

7. **ISO – BUILDING CODE CLASSIFICATION RESULTS**

Mrs. Carlson said Mr. Lawson received a letter of thanks for his help with their recent inspection.

Mr. Lawson said the letter also included the request for the correction of deficiencies (i.e. use of 2007 Building Code instead of 2008 due to state being behind on adoption) which they did find as well as a request for an outline for a future action plan. Mr. Lawson said he would complete the outline and return it to ISO. He said ISO has informed him that the town is currently rated 6 (4 was previous rating).

8. **ZONING BOARD MINUTES RECEIVED FOR 10/22/08**

Mrs. Thomas said there was no meeting in November because there were no cases to be heard and it appears there will be no December meeting for the same reason.

9. **COURT FUNDS TO TOWN FOR OCTOBER \$15,520**

10. **NYS RETIREMENT SYSTEM – NEWSLETTER**

11. **JAMESTOWN BUSINESS COLLEGE – NEWSLETTER**

12. **NYS DOH – DRINKING WATER REVOLVING FUND**

13. **BS&K – INFORMATION ON LABOR AND EMPLOYMENT LAWS**

- **OLD BUSINESS:**

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

Mr. Stapleton said he has finally received a copy of the policy today from Randy Graham for comparison. He said the changes seem to be statewide to the boiler plate form itself and requires no decision by the board. He said he would review it in detail to locate any changes which might specifically affect the town. He said he had mentioned to Mr. Graham possibly meeting with the board to discuss any changes as well.

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- **COMPREHENSIVE PLAN STUDY SURVEY**

Mrs. Carlson said Mrs. Best has entered the data on the spread sheets for more than half of the survey's returned and was trying to complete it before tomorrow night's Planning Board meeting.

- **SIGN AT MAPLE GROVE CEMETERY**

Mrs. Carlson said we have a new sign at the cemetery. She said she suggested to Mr. Baron that he place the sign toward the road from the old sign. She said it is in an area where there may be grave lots available and asked the board what should be done.

Mrs. Thomas said she doesn't believe there are any grave lots sold in the area in which it has been placed.

Mrs. Carlson said if there are lots sold; the sign could be moved later if necessary. She said she had the old sign left standing for historical reasons.

- **COURT EVALUATION REPORT**

Mrs. Carlson said the court evaluation has been received and there are significant items that need to be addressed. She asked Mr. Peacock if there would be grant funding available from them for additional lighting, security, etc. She said comments on the evaluation included a photo of the building and the following suggestions:

- identifying areas which needed barriers
- additional lighting
- designated "authorized personnel only" area for justices near the entrance and designated employee parking
- develop a fire evacuation plan and conduct annual drills; designate fire wardens
- establish mail screening procedures and provide training
- install a safe for storage of confiscated weapons and contraband
- emergency generator

She said she has spoken to Mike Gleason about a backup generator. She asked if our security system covers all windows and doors.

Mr. Lawson said he does not believe the new windows are wired for security. He said it might cover motion through the entire building.

Mrs. Carlson suggested contacting DFT to see what our security system covers.

Mr. Peacock said we should be able to use some of the grant funds requested for those purposes. He said he would include it on the application. He said he has not completed his plans yet but has contacted Norm Olson and they have reviewed the current status of the building. He said he will call Mr. Olson to see if he has a proposal yet.

- **CONNELLY PARK SUBDIVISION FILING MAPS**

Mrs. Carlson said Mr. Stapleton has provided her with a map of the Connelly Park Subdivision filed in 1912 and 1924. She said there is nothing marked on the map that designates the roads in question as town roads, but they do have the appearance of town roads on the map.

Mr. Stapleton said that would be work session issue.

- **APPOINTMENT OF NEW TOWN BOARD MEMBER**

Mrs. Carlson said candidates Lyle Jensen, Mac McNeil, Dick Thayer, Norm Czubaj, Dick Sena and Hal Wiggers were interviewed by the board on 12/4/08, for the vacant Town Council seat of Beth Ward.

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MOTION # 156 OF 2008:

ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. WHITNEY, RICHARD SENA WAS APPOINTED TO THE VACANT COUNCIL SEAT OF BETH WARD (TERM EXP. 12/31/09) EFFECTIVE 1/1/09 AND EXTENDING UNTIL THE NEXT GENERAL ELECTION. THE MOTION WAS CARRIED UNANIMOUSLY.

- **ADULT ENTERTAINMENT LAW**

Mrs. Carlson said the Adult Entertainment Law has not been completed and the public hearing cannot be held until it is completed.

Mr. Stapleton said Mr. McCord had to revise the law to include provisions for swingers clubs. He said there were also new statements in the Secondary Effects Study to justify the basis for the local law. He said these would be discussed at the Planning Board meeting tomorrow night.

Mrs. Carlson asked Mr. Stapleton if you do the SEQRA before the Public Hearing on the Law.

Mr. Stapleton said you need to know the environmental effects before you can have the public hearing on the law. He said both could be done on the same night. He said the town would want to contact all affected residents as well as publish a legal notice.

- **NEW BUSINESS:**

- **LOCAL GOVERNMENT EFFICIENCY – COURT CONSOLIDATION STUDY**

Mrs. Carlson said at a recent conference a great deal of emphasis had been placed on ways to increase local government efficiency and NYS is providing funding for these types of studies. She asked if the board might be interested in a feasibility study in terms of a consolidated facility for area courts (i.e. North Harmony, Ellery and Sherman).

Mr. Stow expressed concern we would lose control of our local government in the process.

Mr. Thomas said most of the consolidations have occurred in small towns without much business. He said because all the towns mentioned have sections of I-86 they are very busy courts. He said the facility would be a separate entity from the town building and would eventually become a district court.

Mrs. Carlson said probably.

There was further general discussion of the effects this type of decision might engender.

MOTION #157 OF 2008:

MR. THOMAS MOTIONED THAT THE TOWN OF NORTH HARMONY REFRAIN FROM ENTERING INTO ANY TYPE OF CONSOLIDATION OF FACILITY FEASIBILITY STUDY FOR THE COURT SYSTEM. MR. STOW SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **GRANT APPLICATIONS: CHENEY’S POINT
STOW
TOWN BUILDING
HIGHWAY
WATER DISTRICT**

Mr. Lloyd said the town met with Mr. Gould, Mr. Ryan, Mr. Tolman, Ms. Warner, Mrs. Carlson, Mr. Stow, and Mr. Constantino in November to discuss grant funding through CLMC bed tax monies for projects identified at Cheney’s Point Creek and Stow. He said the Stow project would involve hydrocarbon removal in parking lots at Hogans Hut, Post Office, Veterinarians and the Town Building to prevent them

from running into Ball Creek. He said the town has turned in two applications totaling \$158,700. He said the CLMC has received 33 project requests from 10 towns, 8 villages and the City of Dunkirk. Mr. Lloyd said that the CLMC hopes to fully fund the top 10 projects and provide partial funding for the others.

Mr. Gould said the total funding available is \$400,000 and \$1,200,000 has been requested in the applications. He said the Water Quality Task Force will be rating the project applications for funding.

Mr. Lloyd said the town should know something between January and March, 2009.

Mr. Stapleton asked if hydrocarbon removal is something that should be considered as part of the Comprehensive Plan for the types of uses that will be allowed around Ball Creek and in the areas bringing water into the lake. He asked if the Zoning Board needed to study it for site plan review.

Mr. Lawson said they may want to review the provisions. He said it would probably come up in the SEQRA process.

Mr. Stapleton said if something like this were in place in the Zoning Code it might increase chances for grant funding.

Mrs. Carlson said STW had contacted her requesting a list of any types of projects that might fit under the President Elects project parameters. She said she included the Town Building (addition or new); Highway Building and the Ashville Water District.

- **INDEPENDENT HEALTH INSURANCE RATES 2009**

Single \$244.90/mo; Two person \$587.77/mo; Family \$673.47/mo. Deductible increased from \$2,200 to \$3,000. \$10 co-pay for office visits.

- **TRAINING ELIGIBILITY FOR PLANNING AND ZONING BOARDS (MOTION)**

Mrs. Carlson said many members of the Planning and Zoning Boards had attended the STW Fall Zoning and Planning Conference which would satisfy the 4 hours training required by the state. She said that with the in house training provided by Don McCord and Dave Stapleton the rest of the members should be qualified as well.

MOTION # 158 OF 2008:

ON A MOTION MADE BY MR. WHITNEY AND SECONDED BY MR. THOMAS THE ZONING BOARD AND PLANNING BOARD MEMBERS WERE CERTIFIED FOR THE 4 HOURS YEARLY TRAINING REQUIRED BY THE STATE. THE MOTION WAS CARRIED UNANIMOUSLY.

- **AUTHORIZE PAYMENT OF PLANNING AND ZONING BOARDS AFTER 12/9**

MOTION # 159 OF 2008:

ON A MOTION MADE BY MR. THOMAS AND SECONDED BY MR. STOW AUTHORIZATION FOR PAYMENT IN THE AMOUNT OF \$50 PER MEETING ATTENDED FOR ZONING AND PLANNING BOARD MEMBERS WAS APPROVED UNANIMOUSLY.

- **RAISE FOR PAT O'BRIEN EFFECTIVE 1/2/09**

MOTION #160 OF 2008:

ON A MOTION MADE BY MR. WHITNEY AND SECONDED BY MR. STOW M.E.O. PAT O'BRIEN WAS AWARDED A \$1/HR. (\$17/HR.) RAISE EFFECTIVE 1/2/08. THE MOTION WAS CARRIED UNANIMOUSLY.

- **YEAR END BOARD MEETING SCHEDULED FOR MONDAY 12/29/08 AT 12:00 PM**
- **CONTINUATION OF EXTRA EMPLOYEE AT TRANSFER STATION**

Mrs. Best commented that according to the Comprehensive Plan survey responses, residents are extremely satisfied with the job that Penhollow Disposal is doing. The current contract allows for an extra employee for the months of June, July and August.

MOTION #161 OF 2008:

MR. THOMAS MOTIONED TO AMEND THE CONTRACT OF PENHOLLOW DISPOSAL CO. TO INCLUDE AN EXTRA EMPLOYEE AT \$450/MO. AT THE TRANSFER STATION FOR THE YEAR 2009. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **AUDIT OF JUSTICE, TOWN CLERK, SUPERVISOR AND ZONING BOOKS 1/12/09**
- **REPORTS:**

JAY GOULD, LEGISLATOR

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

- 4 year (retroactive from 1/1/08 - 2011) labor contract adopted with CSEA employees at a cost of about \$4,000,000 over the 4 year period
- Blue Cross/Blue Shield will be used by county for health insurance this year
- NYS Grant funding for Veteran's Van in the amount of \$62,000
- Authorized levy of county/town taxes
- Finalized equalization rate for towns (North Harmony 89.50%)
- Adopted new law for Cold War Veteran's exemption – 10 years up to \$6,000 exemption on total valuation. **Mr. Gould** said this exemption would need to be adopted by each town before 3/1/09 and **Mrs. Carlson** agreed to add it to the agenda in 2009.
- Adopted new law to increase filing fees (some significantly) at the County Clerk's office

Mrs. Carlson asked **Mr. Gould** if a letter pursuing the issue of gas gouging in Chautauqua County would be something to pursue.

Mr. Gould said he believes enough attention has been drawn to the issue that it would not be necessary and results are already being seen in gas pricing.

RANDY HOLCOMB, ASSESSOR (copy of report included in minute book)

Star exemption forms will be mailed soon with a change to the income limit of \$73,000 for the Enhanced exemption. Assessment rolls have been sent to the County for the tax rate calculation.

Mrs. Carlson said the rate will be impacted by the equalization rate.

GARY RYAN, HIGHWAY SUPERINTENDENT

Mr. Ryan said the Highway has been very busy with snow removal.

Mr. Sena noted that approximately 78" of snow has fallen since 11/1/08.

HOWARD PEACOCK, JUSTICE (copy of report included in minute book)

BRAD LAWSON, ZONING CEO (copy of yearend report included in minute book)

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Mr. Lawson said he was turning the yearend report in a little early and reviewed the information briefly with the board. He said there were 9 brand new homes built and 6 replacement homes built. He said the town had experienced respectable growth in 2008. He said Ray McGill has provided a stormwater prevention plan for Deerwood Estates on Ramsey Rd. He said he has contacted Julie Regnor and her house on Stow Ferry is scheduled to be demolished on or after 1/1/09. Mr. Lawson said they had not discussed whether she would rebuild in the same location.

DAVE LLOYD – HAZARD MITIGATION

Mr. Lloyd said since we have received funding for the Victoria and Stow Projects the CLMC signs can be erected at the ROW locations. He said they should arrive by 1/5/09 and pictures will be taken. He said the Victoria Rd. project needs to have the debris catcher installed. Mr. Lloyd said he has been in contact with SEMO on the Ashville mitigation projects. He said FEMA is tapped out and at this point there is no funding for the Ashville projects. He said he will send letters to the Ashville applicants advising them of the status.

MOTION #163 OF 2008:

MR. WHITNEY MOTIONED TO CONTINUE TO RETAIN THE SERVICES OF DAVE LLOYD AS STORMWATER PLANNER FOR THE YEAR 2009. MR. THOMAS SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

NANCY THOMAS, TOWN CLERK (copy of report included in minute book)

Mrs. Thomas said she had nothing further to add to her written report.

MOTION #164 OF 2008:

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

SALLY P. CARLSON, SUPERVISOR (copy of report included in minute book)

MOTION #165 OF 2008

ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. THOMAS THE SUPERVISOR'S REPORT WAS ACCEPTED UNANIMOUSLY.

MOTION #166 OF 2008

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

MOTION #167 OF 2008

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

- **ASHVILLE BAY MARINA**

Mr. Stow said he has noticed digging going on at the marina.

Mr. Lawson said they have a permit and are dredging the canals but he had not been notified of this by the DEC. There was further general discussion of the permitting process for this type of activity.

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MOTION #168 OF 2008
ON A MOTION MADE BY MR. THOMAS AND SECONDED BY MR. STOW THE MEETING
WAS ADJOURNED AT 9:20 PM.

Nancy M. Thomas
Town Clerk