

**TOWN OF NORTH HARMONY
BOARD MEETING
MONDAY, 3/10/2008 8:00 PM**

SALLY P. CARLSON, SUPERVISOR	PRESENT
ROB YATES, COUNCILMAN	PRESENT
BETH WARD, COUNCILWOMAN	PRESENT
RALPH WHITNEY, COUNCILMAN	PRESENT
ART THOMAS, COUNCILMAN	PRESENT

Others Present: Jay Gould, Legislator; Gary Ryan, Highway Sup't.; Brad Lawson, Zoning CEO; Dave Stapleton, Attorney; Dave Lloyd, Hazard Mitigation; Howard Peacock, Everett Bensink, Justices; Nick Dean, Post Journal; Mark Persons, Town of Sherman Sup'v.; Keith Pitman, ESWE; Eugene & Virginia Ploss, David Lindquist, Barbara & Lauren Hoyt; Jack Dean; Greg Card, Lisa Certo-Card, Josh Brown, Bob Fredrickson, Greg Peterson, Phillips Lytle; Mary Ann Johnston, Julie Lescynski, Planning Board; Nancy Thomas, Town Clerk

- **PLEDGE OF ALLEGIANCE**
- **MINUTES 2/11/08 MEETING**

MOTION # 32 OF 2008

MR. YATES MOTIONED TO ACCEPT THE MINUTES OF THE 2/11/08 TOWN BOARD MEETING AS SUBMITTED BY THE TOWN CLERK. MRS. WARD SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **EMPIRE STATE WIND ENERGY – KEITH PITTMAN, CEO & MARK PERSONS, SUP'V. TOWN OF SHERMAN**

Mrs. Carlson introduced **Keith Pitman, President of Empire State Wind Energy (ESWE).**

Mr. Pitman said ESWE is a fairly new company that was founded by himself and Tom Golisano in protest of the general practices in NY State where wind power has been developed and exploited with most of the economic benefits going somewhere other than the local economy. He said he has been talking with Mr. Persons for about a year about prospects for wind power generation in the Town of Sherman. He said they have a different business model in which benefits would be kept in NY by partnering with municipalities that are interested in participating. He explained that in their model up to 75% of the net revenue of the project can be returned to the local town government as payment. He said that currently they have "Host Community" agreements with 7 towns in NYS. Mr. Pitman said after looking at the plans they have for Sherman they realized that the focus area includes the western area of North Harmony. He said his company does not lease land and then request a permit as many others do. He said they have no land rights in Sherman at this time and they openly discuss with the public all ideas and plans before discussing them with land owners. He stressed full disclosure of profits (verifiable 3rd party accounting of the numbers); significant revenue sharing with the community; negotiable number of windmills and there is no charge to the municipality for the studies and research involved. He said that the Town of Sherman has potential and indicated that the process can take from 2-5 years. He encouraged everyone to discuss with the Town of Sherman their experiences with ESWE.

Mr. Yates asked if ESWE had completed any projects.

Mr. Pitman said that since the company has only been in business for one year and environmental processes can be lengthy, they have not completed a project yet.

TOWN BOARD

3/10/08

Mr. Yates asked if ESWE has a signed agreement with Yates County.

Mr. Pitman said yes, with the Town of Benton near Penn Yan. He said they also have agreements with a number of towns near Lake Ontario in Wayne Co.

Mr. Yates asked what is done with the power generated (i.e. is it sold to the grid).

Mr. Pitman said they are hooked into the high voltage grid often at 50 kV and up and once you're interconnected to that high voltage transmission grid with a generator there are a number of ways to dispose of the power (i.e. NY isodata(sp) market, bilateral contracts with wholesale buyers, form a wholesale buyers group where a large percentage of power stays at a local level).

Mr. Yates asked if ESWE was not only looking for a good windy location but also proximity to the grid.

Mr. Pitman there is a project in Steuben Co. with a proposal for 10-15 miles of interconnecting wires to get from wind farm to the grid and it all depends on the overall economics of the project. He said ideally a fairly short distance between the farm and grid would certainly be better.

Mrs. Carlson asked if any studies on wind velocity have been done in Sherman.

Mr. Pitman said no, but testing and instrumentation would be part of the due diligence of the project.

Mr. Lindquist asked how high and how close together the towers are.

Mr. Pitman said 300-400' is the norm for the 2 megawatt class and distance can be from approximate 2 rotor lengths (200-300') up to 1,000' based on prevailing wind directions. He expressed the opinion that existing wind farms should be visited before opinions are developed.

Mr. Gould asked how large they projected the Sherman/N.H. wind farm would be.

Mr. Pitman said it could range from 12-24 towers. He said Fenner, NY has a 20 tower wind farm that would be a good example.

Bob Fredrickson asked what the FAA requirements are for lighting.

Mr. Pitman said that anything over 200' has to be lighted by FAA regulations.

Jack Dean asked if their area of interest was pinpointed enough that they could discuss the proximity to the Ripley and Westfield projects.

Mr. Pitman said he is not involved with those projects. He said as far as their interest in Sherman, they have not yet pinpointed any exact location nor secured any land rights.

Mr. Yates asked if most of the towers discussed are triple blade turbines and if there is any interest in using the cylinder type.

Mr. Pitman said they use conventional state of the art technology which is the three blades such as those used in Lackawanna. He stated that ESWE has no exclusive relationships with any supplier of equipment so that they can choose the best equipment for the individual project. He stressed economic viability in choosing the type of tower used.

Mr. Yates asked Mr. Persons how the residents of Sherman feel about the idea of wind towers.

Mr. Persons said so far the response from residents is low key and he would like to explore this not just as an after the fact PILOT negotiation but as a benefit to town and not just as leases for profit. He said one of the options they found and had come to talk about was to join with North Harmony, if there is an interest, in the western corner of the township for a viable project location.

Mr. Pitman said the partnership could be mutually beneficial.

Mr. Yates asked what the general length of the land lease contract terms are.

Mr. Pitman said land leases of 49 years are the norm for these types of multi-million dollar investments. He said that in the towns they have agreements with, the contracts are for 15 years where 75% of the profits go to the town.

Mrs. Carlson asked what the next step would be.

TOWN BOARD
3/10/08

Mr. Persons said The Town of Sherman sent a resolution to ESWE asking them to investigate the feasibility of developing wind power in Sherman. He said that ESWE is the only company that has offered an upfront contract that gives specifics on how things will play out. He also noted that even though the models are built on 30% efficiency, there is no guarantee that ESWE will find enough wind power to be viable.

Mr. Pitman said he feels the area will be viable. He said they work by “invite” and are not looking for a financial partnership with towns. He said there is no financial risk to the towns and the worst thing that could happen is they would not find a suitable project location. He said it would be helpful to the work they are doing in Sherman to know where the Town of North Harmony stands. He said they currently have public agreements with 7 towns and invited everyone to view their website at empirestatewindenergy.com.

• **PUBLIC COMMENT:**

GREG CARD - ALTERNATIVES TO SANDING AND SALTING ASHVILLE BAY ROAD

Mr. Card asked if there were any alternatives to sanding and salting Ashville Bay Road. He feels that sanding and salting by the Highway Dept. are excessive this year and expressed concern for environmental effects on the water ways, creeks and the lake. He said it adds a lot of sediment to the lake.

Mr. Ryan asked who would be liable if people started crashing because the roads were slippery.

Mr. Yates said there are changes being made in the way ditches are handled with sediment catchers and collection ponds to prevent runoff to the water ways. He said that North Harmony has stepped forward and taken a lead in trying to prevent runoff and protect the lake.

Mr. Lloyd said North Harmony uses about 300 tons of salt per year which is much less salt than most towns which use 1,200 tons per year. He said the town is constantly looking at alternatives and ways to improve.

Mr. Card said there was no need for the town to salt his road because they are the only winter residents.

Mrs. Carlson said the town is trying to reduce sediment to the lake and has purchased a hydro seeder for use on ditches to facilitate this.

Mary Ann Johnston said she feels it would be a good idea for the town to investigate wind energy.

• **CORRESPONDENCE:**

The following correspondence has been received by the Supervisor and is available for review.

1. **ALBERT BROWN – Proposed Hotel**

Mrs. Carlson read an excerpt of Mr. Brown’s letter in which he discussed the height of the new hotel in relation to new and old growth trees which can reach heights of 177’.

2. **CLA – 2008 Contract received and executed**

3. **CHAUT. CO. EXECUTIVE – Discount Prescription Info Available**

4. **MAYVILLE TREMAINE, INS. – NYMIR Premiums for 2008 down \$1,942.88 from 2007**

5. **NYS COALITION OF CONCERNED CITIZENS – Protest loss of home rule on Energy**

Mrs. Carlson said that bills to be introduced in the 2008 Legislative session will override current home rule authority and allow the state to acquire the authority to supersede municipal planning, zoning and

TOWN BOARD
3/10/08

decision making regarding the site location of energy facilities and the coalition asks that officials contact their legislators in protesting this move.

Mr. Whitney said the timing on this was interesting considering the ESWE presentation that was previously given at the meeting.

MOTION #33 OF 2008

MR. THOMAS MOTIONED THAT THE TOWN OF NORTH HARMONY SEND A LETTER TO LEGISLATIVE REPRESENTATIVES IN PROTEST OF REMOVAL OF HOME RULE AUTHORITY IN THE MATTER OF ENERGY FACILITY SITE LOCATION. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

6. **TIME WARNER – Proposed Rate Changes and loss of channels**
7. **NYS REAL PROPERTY – Equalization Rate has dropped to 82.76%**
Mrs. Carlson said the impact would be an increase in the rate per \$1,000 for school and county taxes. She said properties are selling for more than they are assessed for and when that occurs you pay more per \$1,000 to make up the difference.
8. **NYS SMALL BUSINESS DEVELOPMENT CENTER –Offices relocated to 512 Falconer St. (directly across from JCC Main Entrance)**
9. **NYS COMMISSION – PROPERTY TAX RELIEF – Meetings – Supervisor’s meeting with Stan Lundine**
10. **CLEAN WATER – STATE REVOLVING FUND**
11. **NYS DOT – Projects in Chaut. Co. – I86 Sherman to Bemus Pt.**
12. **NYS DOT – Installation of Banners in State ROW (no advertising)**
- Closing of State Highways for Parades (permit required)(i.e. Ashville Day)
- Contact Info for Chaut. Co. 753-2821
13. **NYS DEC – Comments on Sewer Feasibility Study**
- Dam Safety Regulations Public Hearing
14. **U.S. POSTAL SERVICE – Acknowledgement of receipt of request for commemorative stamp**
15. **USDA – PROGRESS REPORT**
16. **BOOTEY BAY DOUBLETREE HOTEL – Letters Received (Copies to Planning Board)**
 - **Paul Ostergaard – opposed to height**
 - **Charles & Lucy Cooley – boat congestion, scar skyline**
17. **TOWN OF HARMONY TOWN CLERK – Addition of Sec. 705 - Change to Zoning Law addressing costs of consulting fees (hearing 3/12/08)**

TOWN BOARD
3/10/08

18. **PLANNING BOARD MINUTES (2/26/08) AND ZONING BOARD MINUTES (2/27/08)**
 19. **SEN. CHARLES SCHUMER – Distance Learning Grants Available**
 20. **NATIONAL FUEL – Request for notification if any streets are conveyed or abandoned**
 21. **CHAUTAUQUA CO. FINANCE - \$331.80 received in Dog Tax Money**
 22. **JUSTICE COURT FUND – Receipt of \$28, 035.00 for Fourth Qtr. 2007**
- **OLD BUSINESS:**
 - **NYMIR INSURANCE PREMIUMS – Decrease in cost for 2008 of \$1,942.88**
 - **BOOTEY BAY HOTEL :**
Add link to developer information on project to Town’s Website

Mr. Stapleton said there had been discussion of who the town had not received responses from in regard to the list of interested agencies notified of the town’s intent to take lead agency status on the SEQRA. He said we did have a 2/14/08 letter from the NYS Office of Parks Recreation and Historic Preservation from Ruth Pierpont, Director. He said the contact person Nancy Herter and he had spoken and she had indicated that the department has approximately 6,000 active projects in NYS and they typically don’t send responses on these notifications unless there is an evident problem. She said she had two different files, one from a 2006 application from the developer and the other a 2008 application. She indicated she would make an attempt to ascertain the departments within her agency were coordinating the reviews of those since there was a response to the 2006 application which is no longer applicable. **Mr. Stapleton** said Ms. Herter is aware that the town is meeting today and she indicated there would be no response and therefore no objection to the 2008 notification of lead agency status intent. **Mr. Stapleton** said the Dept. of PRHP was working with one of the departments relative to certain aspects of the site planning and are using that as part of the background for the development of the draft scoping document that will be provided later to the town.

Mrs. Carlson asked if there was anything additional to the town’s web site link and the developer’s information.

Mr. Stapleton said that Mrs. Thomas had spoken with Jen Dougherty of Phillips Lytle regarding that. He said he was under the impression that if the town was going to have a link, that it be strictly a link to a server handled by the developer. He said the developer would post their own information on it that would be identical to the hard copy information available at the town and there would be a disclaimer on the town’s website attached that states although the information is available on the website, the definitive information is also available at the Town Clerk’s office for public review.

Mrs. Thomas said the link would be sponsored by the developer and is intended for ease of review. She said this would only happen with board approval.

TOWN BOARD
3/10/08

MOTION #34 OF 2008

MR. YATES MOTIONED THAT THE LINK TO THE TOWN'S WEBSITE WITH INFORMATION BY THE DEVELOPER ON THE PROPOSED BOOTEY BAY HOTEL PROJECT BE ALLOWED PROVIDED THERE IS A REVIEW OF THE INFORMATION AND A DISCLAIMER ON BEHALF OF THE TOWN IS INCLUDED. MRS. WARD SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

Mrs. Carlson asked Mr. Peterson of Phillips Lytle if he was aware of the type of disclaimer used in these cases that is normally used.

Mr. Peterson said he has seen it, but is not familiar with the exact verbiage used.

Mr. Stapleton said that the public needs to be aware that the town does not have the resources to scan each of these documents into their website that have been filed at the Clerk's office. He said it should not be posted on the town's website and presented as totally accurate without review of the hard copy documents at the Clerk's office.

Mrs. Carlson said it is an attempt to at least make the information available to the public online.

Mr. Stapleton said it should be identical information.

Lead Agency Status

Mrs. Thomas said there had been several of the interested agencies advised of the town's intent to take lead agency status on the SEQRA that had not responded. She said that in conversations with Mr. Stapleton it had been established that no response within the 30 day allowance indicated no reservations with the town taking the lead agency status.

Mrs. Carlson said NYS Ag and Markets had responded to Rex Tolman when he sent them information regarding the sewer feasibility study and they may have not responded to this specifically.

Mr. Stapleton stated that because an agency had not responded did not mean that they would not be actively involved in the review process, especially the DEC. He said the DEC had indicated willingness to being co-lead agent but as far as zoning was concerned the town still has lead and if the town chooses to be sole lead agent on the SEQRA they have no objection since they will continue to be actively involved.

Mrs. Carlson stated that she thinks it would be an advantage if the town has lead agency status because then meetings and hearings will be held in the area so that residents can attend them. She said if co-lead agency status is taken some of the meetings will be held in Buffalo and will not be open to the public. She said the best shot for public input is for the town to be lead agent.

MOTION #35 OF 2008

MR. WHITNEY MOTIONED THAT THE TOWN OF NORTH HARMONY ASSUME LEAD AGENCY STATUS ON THE SEQRA PROCESS FOR THE PROPOSED BOOTEY BAY HOTEL PROJECT. MR. THOMAS SECONDED AND A VOTE WAS TAKEN. MR. WHITNEY, YES; MRS. WARD, YES; MR. THOMAS, YES; MRS. CARLSON, YES; MR. YATES, NO. THE MOTION WAS CARRIED BY A VOTE OF 4 YES AND 1 NO.

- **MORATORIUM ON COMMERCIAL DISTRICTS IN STOW AREA – 6 Month Extension**

Mrs. Carlson said the Planning Board had asked for an extension on the moratorium on Commercial District development in the Stow area for an additional 6 months.

Mr. Lawson said there have been no requests for development in the past 6 months.

TOWN BOARD
3/10/08

MOTION #36 OF 2008

MR. THOMAS MOTIONED TO EXTEND THE MORATORIUM ON COMMERCIAL DISTRICT DEVELOPMENT FOR AN ADDITIONAL 6 MONTHS. MRS. WARD SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **EMPLOYEES HANDBOOK – ADOPT CHANGES AND SIGN**

Mrs. Carlson said the employee handbook has been revised for 2008 and needs to be signed where the Equal Employment Opportunity statement is incorporated. The revision regards new Highway employees starting wages and the recommendation of raises based on review every six months until the new employees meet prevailing highway wage.

MOTION #37 OF 2008

MR. WHITNEY MOTIONED THAT THE CHANGES TO THE HIGHWAY EMPLOYEE STARTING WAGES AND THE RECOMMENDATION OF RAISES BASED ON REVIEW EVERY SIX MONTHS UNTIL THE EMPLOYEE MEETS PREVAILING WAGE IN THE EMPLOYEE HANDBOOK BE ADOPTED. MR. YATES SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY

- **LWRP – LOCAL WATERFRONT REVITALIZATION PROGRAM**

Mrs. Carlson said the town had adopted the draft LWRP a number of years ago. She said they have finally drawn up a sample law and basically it deals with projects on the lake and the minimization of water front disturbance, runoff, etc. She asked if everyone needed to review it and then adopt.

Mr. Stapleton said a public hearing needed to be held at the meeting in April and that would give everyone time to review it. He said the document would probably be adopted in an almost identical fashion by all the townships located around the lake. He said many of the towns have already added small portions to the law. He said it is strictly a legal method of supporting the LWRP plan previously adopted.

Mrs. Carlson said she would make copies for the board to review.

MOTION #38 OF 2008

MR. WHITNEY MOTIONED TO HOLD A PUBLIC HEARING ON 4/14/08 AT 7:45 (Prior to the Town Board Meeting) TO ADOPT THE SAMPLE LAW DRAFT LWRP DOCUMENT. MRS. WARD SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **RATIFY AGREEMENT BETWEEN ELLERY / N.H. – Joint Purchase of Harley Rake Model #T-6**

MOTION #38 OF 2008

MR. THOMAS MOTIONED THAT THE TOWN OF NORTH HARMONY ENTER INTO A JOINT PURCHASE AND MAINTENANCE AGREEMENT WITH THE TOWN OF ELLERY FOR A HARLEY RAKE AT A COST OF \$3,300.00 TO EACH TOWN. MRS. WARD SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **NEW BUSINESS:**

TOWN BOARD

3/10/08

- **BUILDING PROPOSAL – TOLMAN ENGINEERING**

Mrs. Carlson said she had received a proposal for evaluation of requirements for a new town building from Rex Tolman. She said the total cost is \$12,480.00 and would include 6 meetings with personnel, developing alternatives, cost estimates and preliminary environmental permitting and storm water studies.

Mr. Lawson asked if this included construction documents and plans.

MOTION # 39 OF 2007

ON A MOTION MADE BY MR. WHITNEY AND SECONDED BY MRS. WARD THE BUILDING PROPOSAL WAS TABLED.

- **ADVERTISE FOR BIDS FOR MOWING**

MOTION # 40 OF 2008

ON A MOTION MADE BY MR. YATES AND SECONDED BY MRS WARD, THE TOWN CLERK WAS AUTHORIZED TO ADVERTISE FOR MOWING BIDS FOR 2008 – 2009. THE MOTION WAS CARRIED UNANIMOUSLY.

- **ADVERTISE BIDS FOR DOCK INSTALLATION**

Mrs. Ward asked if Chautauqua Ironworks, the company the dock was purchased from would be present to oversee installation of the dock.

Mrs. Carlson said yes.

MOTION #41 OF 2008

ON A MOTION MADE BY MRS. WARD AND SECONDED BY MR. THOMAS THE TOWN CLERK WAS AUTHORIZED TO ADVERTISE FOR BIDS FOR THE INSTALLATION OF AN HANDICAP ACCESSIBLE DOCK AT LIGHTHOUSE PARK. THE MOTION WAS CARRIED UNANIMOUSLY.

- **COMMITTEE FOR ACCESS CH5 - They have suggested William Burskovich of Ellery**

Mrs. Carlson said Chris Ramiker had asked if the town would appoint someone to the ACCESS CH 5 committee. Mr. Ramiker suggested William Burskovich.

MOTION #42 OF 2008

MRS. WARD MOTIONED TO ENDORSE THE APPOINTMENT OF WILLIAM BURSKOVICH TO THE ACCESS CH5 COMMITTEE. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **ELIZABETH GLEASON, GRAPHIC AND WEB DESIGN – Estimates for Web Site**

- **Immediate needs \$285.00**
- **Redesign plus one year of hosting \$994.88**

There was discussion of hiring Ms. Gleason to update and host the town's website. Suggested inclusions to the site were a counter, town map and zoning maps. Ms. Gleason has already started to take care of immediate needs (i.e. creating hyperlinks for all meeting minutes).

TOWN BOARD
3/10/08

MOTION #43 OF 2008

MRS. WARD MOTIONED TO HIRE ELIZABETH GLEASON FOR THE TOWN'S IMMEDIATE WEBSITE NEEDS, REDESIGN AND HOSTING AT THE ESTIMATES GIVEN OF \$285.00 AND \$994.88 RESPECTIVELY. MR. THOMAS SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

• **LOOMIS BAY WATER DISTRICT PAYMENT IN 2007**

Mrs. Carlson said that due to an error in 2007 the BAN principle for Loomis Bay Water District had been overpaid from the Special District Funds and \$1,800 was borrowed from the General Fund to correct this error. She said that this needed to be paid back to the GF. She said the principle payment for 2008 will be approximately \$6,200, interest \$2,407.19 and attorney's fees \$500. She said that the balance of the Special District BAN funds could cover the \$1,800 loan from the General Fund.

MOTION #44 OF 2008

MR. YATES MOTIONED TO PAY BACK \$1,800 FROM THE LOOMIS BAY SPECIAL DISTRICT BAN FUNDS TO THE GENERAL FUND FOR FUNDS BORROWED IN 2007. MRS. WARD SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

• **JUSTICE COURT – NEW PROCEDURE REQUIREMENTS**

Mr. Peacock explained that a NYS presiding Judge from the Office of Court Administration had visited the court and pointed out changes that are being suggested for local Justice Courts. He said changes include:

- No longer holding court in offices but moving the venue to open and public area
- Court security issues which will require a raised platform and appropriate window covering
- Recorders which will run for the entire court session
- Lap top computer for the Court Clerk

Mr. Peacock said he and Mr. Bensink had discussed alternating court nights. He said they discussed holding court twice each week if the case load is too heavy.

Mrs. Carlson said that might require renegotiating the Court Officer contract with the Sheriff.

Mr. Bensink said that on 4/12/08, he, Mr. Peacock and the 3 Court Clerk's have to be in Buffalo for a training session on the new recorders. He said after that training they will be given one recorder and it is mandatory that the recorders be used at all times. He said court security has become a problem in some areas and the raised platform will help prevent persons in the court from getting to the judge. Mr. Bensink said he would look into grant funding for some of these projects.

Mrs. Ward suggested that with the County Court undergoing renovation there may be items or equipment they will no longer use that might be useful and obtainable for the town court.

MOTION #45 OF 2008

MR. THOMAS MOTIONED TO ADVERTISE FOR BIDS FOR THE CONSTRUCTION OF A PLATFORM/RISER FOR THE COURT. MRS. WARD SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

(Subsequent to this motion it was determined that the cost of the riser would be in an amount that does not exceed accepted purchasing practices and could be contracted rather than advertised.)

• **MITCHELL PROPERTY**

Mrs. Carlson said there is a minor problem with the rental of the Mitchell property. She said the

TOWN BOARD
3/10/08

rent and utilities are behind approximately \$800.00 and asked the board for a recommendation.

After discussion, Mr. Stapleton explained that generally tenants are given a 3 day notice to pay or quit the premises. He said at the same time a petition can be served for an appearance between 10 and 15 days. He said at that time it can be brought to court and a warrant of eviction is issued and goes to the Sheriff. The Sheriff notifies the tenants they have 3 days to vacate. He said the petition does not have to be served, but he suggested giving the 3 day or quit notice and then deciding on a time factor. He said this would allow the town and the tenants and opportunity to work out details.

The general consensus of the board was to send the 3 day notice and allow the tenants an opportunity to work out payment details.

• **REPORTS:**

JAY GOULD, LEGISLATOR

Mr. Gould said the following has occurred in the Legislature during the past two months:

- Resolution passed to have CARTS buses washed at Jamestown/Falconer Bus Garage for \$16.00.
- State grant received in amount of \$251,400.00 to operate CARTS buses.
- Resolution to rent Airport Restaurant for 2 years @ \$300/mth. to Dianna Bloom.
- Resolution for Child Alliance Grant for \$49,003.00 which limits the number persons questioning a child in an abuse case to 2 or 3 professionals.
- 911 Grant (\$79,798.00) for reimbursement of costs.
- Speeding Enforcement Grant from NYS (\$78,963.00).
- NYS Parks, Recreation and Historical Preservation gave the Sheriff's Dept. a new speed boat.
- Reimbursement for storage of voting machines \$100.

Mrs. Carlson asked if there was a possibility that the town's machines could be stored at the town building.

Mr. Gould suggested that she call and request it.

- Two labor contracts settled for part-time sheriff's and cooks at the county jail. They will receive a 3% pay increase until 2010 and increased payment on their health insurance.
- On 2/27/08, Mr. Gould's appointment to the South and Center Sewer Board was confirmed. He said they want to expand the system because they have the capacity.
- Monty Kennedy (Bly Hill Rd.) was appointed to the Sports Fisherman Advisory Board.
- Mr. Gould was appointed to the Chautauqua, Cattaraugus, Allegheny, Steuben Southern Tier Extension Railroad Authority (term exp. 8/23/10).
- He said there were many appointments to boards. Ellen Coffaro was appointed to the Chaut. Co. Aging Advisory Council. Steve Senske was appointed to the Chaut. Co. Planning Board. Jay Warner was appointed to the CLMC as representative for the Chaut. Co. Federation of Sportsmen
- Grant for \$20,000 to replace Rescue 71.
- Portion of Bed Tax monies received in 2007 placed in Capital Fund for Lake Mgmt. projects (\$467,000).
- Watershed Coordinator hired at a cost of \$73,257 (wages \$38,656) to oversee expenditures.
- Two Resolutions on Lake Phosphates.
- Dog Tax money: North Harmony remitted \$548.03 to the County and will receive \$334.32. The additional 25% goes into a fund to compensate for damage by dogs.
- Balance in accounts for year end 2007 is \$4,504,543.00.

TOWN BOARD

3/10/08

- Labor contract with Sheriff Lieutenants settled (3% raises through 2011 and increased payment of health insurance).

Mr. Gould said there had been lengthy discussion of health insurance for Legislators. He explained that there is a County Charter that covers all elected officials which calls for a commission of 7 appointed citizens to review and recommend on these types of issues. He said there will be a resolution put forth next month to establish that commission.

HOWARD PEACOCK / EVERETT BENSINK – JUSTICES (*Written report included in minute book*)

Mr. Peacock and Mr. Bensink said there was nothing further to add to their written report.

BRAD LAWSON, ZONING CEO (*Written report included in minute book*)

Mr. Lawson said Pete Wiemer has applied for 2 wind turbines for personal use on Butts Road. He said he will try to contact the owner of the property on Open Meadows about the situation there. He said Rebecca Anderson, DEC has received the document she had requested.

GARY RYAN, HIGHWAY SUPERINTENDENT

Mr. Ryan said that the Highway Building has been having problems with the septic system but other than that, things are going smoothly.

Mrs. Carlson said she and Mr. Ryan would like to have the board visit the Town of Carroll's highway building to get ideas on creating a new highway building. She said the town had done a lot of the work themselves. She said our highway building has ongoing deterioration issues.

Mrs. Ward asked Mr. Ryan if his employees would have time to work on a new building.

Mr. Ryan said he guessed they would have to find the time.

Mr. Yates said there are many ways to work on a project like that that are both cost and time efficient.

DAVE LLOYD, HAZARD MITIGATION/STORMWATER MGMT. (*Written Report included in minute book*)

Mr. Lloyd provided a written report and briefly spoke about past projects in the town to reduce storm water runoff to the lake and other water bodies. He stated that these have been noticed by the county and state and he feels that this might increase their cooperation on larger future projects such as Cheney Creek. He said that during recent high rains he noticed that the steps taken on Butts Road were already decreasing the amount of runoff to Cheney Creek. He said further work on Butts and Cheney Roads could alleviate this even more. He said he spoke to Dave Wilson and he needs the engineering plans for a weir at Cheney Creek so that he can get the permits in order and the job can be done. Mr. Lloyd said there is a 2' clearance under the bridge and some of the gravel needs to be excavated and trees down need to be removed. He said should there be a storm portions or all of the bridge could be lost.

Mrs. Carlson asked if Mr. Tolman had given any idea of when he would have the plans ready.

Mr. Lloyd said no, but he would contact him and set up a meeting. He said he has a meeting with the Hydrologist at Catt. Co. on Wednesday to go over projects and exchange ideas. He said the grant for the hydro-seeding has been signed by the county and after the state signs the funds should be received.

Mr. Lloyd also addressed **Mr. Card's** question about the large amount of sand at the highway bldg. by explaining that it was not one seasons sand but had been purchased at a large savings to the town and is presently only being replenished and not added to. Mr. Lloyd said the storm water trash and oil collector has been ordered and should be delivered for installation at the Ferry on 4/1/08. The piping to run between the lake and Lakeland Ave. has been ordered and should be coming about the same time. The pipe for the Victoria Road project is in and the County Engineer should have drawings ready this week for the project.

TOWN BOARD
3/10/08

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

Mrs. Thomas said she has received the Annual Financial Report for the Ashville Fire Dist. which has been placed on file in the Town Clerk's office. She said at this time 11.20% of the Tax Warrant is outstanding (Warrant \$2,830,112.00).

Mrs. Carlson said that percentage is down from a few years ago.

MOTION #46 OF 2008

ON A MOTION MADE BY MRS. WARD AND SECONDED BY MR. WHITNEY THE TOWN CLERKS REPORT WAS ACCEPTED UNANIMOUSLY.

SALLY P. CARLSON, SUPERVISOR (*Written Report included in minute book*)

MOTION #47 OF 2008

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

MOTION #49 OF 2008

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

MOTION #50 OF 2008

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

MOTION #51 OF 2008

ON A MOTION MADE BY MRS. WARD AND SECONDED BY MR. THOMAS THE MEETING WAS ADJOURNED AT 10:30 PM.

Nancy M. Thomas
Town Clerk

