

**TOWN OF NORTH HARMONY
BOARD MEETING
MONDAY, 6/9/08
8:00 PM**

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

OTHERS PRESENT: Jay Gould, Legislator; Gary Ryan, Highway Sup't.; Dave Lloyd, Hazard Mitigation; Brad Lawson, Zoning CEO; Howard Peacock, Everett Bensink, Justice; Robin Miller, Bookkeeper; Frank Stow, Jack & Judy Handkammer; Santa Doud, Nancy Thomas, Town Clerk

- PLEDGE
- MINUTES

MOTION #83 OF 2008

ON A MOTION MADE BY MR. WHITNEY AND SECONDED BY MRS. WARD, THE MINUTES OF THE 5/12/08 TOWN BOARD MEETING AS SUBMITTED BY THE TOWN CLERK WERE APPROVED UNANIMOUSLY.

- PUBLIC COMMENT:

JACK AND JUDY HANDKAMMER – VICTORIA ROAD

Mrs. Handkammer asked if there was any new information on the Victoria Rd. project.

Mr. Ryan said it still appears the town will need an easement on the road ROW to do the job correctly.

Mrs. Carlson said when the time comes to begin the project she wants to get together all parties (Brenda Eastman, Handkammer's, etc.) involved in the ROW so that everyone knows what is going on. She asked **Mr. Ryan** when the project would be started.

Mr. Ryan said probably in the fall because they are so busy now.

Mrs. Handkammer asked if it would be complete by winter because of access and plowing issues. She also noted that Mrs. Eastman would be leaving for Vermont.

Mr. Ryan said they would try.

Mrs. Carlson said she could keep in touch with Mrs. Eastman through e-mail about the progress on the project.

Mr. Lloyd said the issue is not a creek but a hillside run-off. He said **Mr. Tolman** has looked at the area and is coming up with a design in the anticipation that all parties involved will agree to a permanent structure that will alleviate the problem.

SANTA DOUD – WEST HILL ROAD

Mrs. Doud thanked the town for the work done on her road and said the Highway did a wonderful job. She said they have placed a no-parking sign because people were parking in the turn-a-round.

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- **CORRESPONDENCE:**

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

1. **NYS OSC– Justice Court Fund \$19,406.50 – 1st Quarter (up \$1,531.30)**
2. **NYS Board of Real Property Service – Equalization Rate drop from 100% to 89.50%**
3. **Rob Yates, Councilman – Letter of resignation effective 6/6/08**
4. **Robinson & Sons – Insurance for Ferry – Certificate sent because Ferry uses town’s property**
5. **Hotel Correspondence:**

Ashville Fire Dept.	In Favor	Ruth Miller	Opposed
Martin Digel, Mayville	Opposed	Marilyn Richey	Opposed
David Mariotti	Opposed	Tim McManus	Opposed
Diana Randolph, Mayville	Opposed	Laura Damon, Chaut.	Opposed
Dennis Micklak, Mayville	Opposed	Phil & Jane Safford, Chaut.	Opposed

Mrs. Carlson said copies were available at the town and copies were sent to Steve Doleski, NYS.

6. **United Way – Project Blueprint Leadership training program**
7. **Annette Carlson – Complaint about Tri-James speeding on Open Meadows**
8. **Chautauqua Co. Health Dept. – Lot size change for septic**

Letter indicating that minimum lot size requirements for building have been changed to 40,000 sq. ft. where private sewer exists effective 1/1/09. Where public water and no public sewer exist the minimum lot size remains 15,000 sq. ft. The change is in order to comply with Appendix 5b. Standard for Water Wells.

Mrs. Carlson asked how that will impact zoning.

Mr. Lawson said obviously where the town allows 20,000 sq. ft. in R-1 zoning areas it will be allowed if there is a public water systems or a water system of sorts. He said other than that, it will have to be changed to reflect the new 40,000 sq. ft.

Mrs. Carlson asked if it would have to reflect the inclusion of public sewers and would the same hold true.

Mr. Lawson said he assumed so, but he hasn’t spoken to anyone from the Health Dept. He said he knows they have been concerned with the closeness of water wells and sewer systems. He said he assumed that if there is public sewer, water wells can be dropped in anywhere.

Mr. Stapleton said he agrees, as long as there is separation of wells and septic. He said he didn’t know if the Zoning Code needed to be amended in any way, as long as people are put on notice regarding the new Health Dept. regulations.

Mr. Lawson said with the Zoning Code requiring 20,000 sq. ft. in R-1 Districts it might be necessary to make changes in order to reflect the new law for people who would like to build in these types of areas.

Mrs. Carlson said she would make sure the Planning Board received a copy of the Health Dept. letter.

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9. ESWE – Copy of Agreement with Town of Galen

Mrs. Carlson said ESWE has asked that North Harmony review carefully the agreement and make a decision regarding host community status. She said that they suggest a joint public hearing between the Town of Sherman and North Harmony in order to allow public opinion on the establishment of a wind farm.

Mr. Whitney said a public hearing would depend on the timing and the town should wait until the appropriate time to conduct that hearing.

- **OLD BUSINESS:**

- **LIGHTHOUSE PARK – Work on side walk and summer employee**

Mrs. Thomas said the town has received only one bid. She said Richard Finch has submitted a bid of \$1,000 for the concrete work on the sidewalk and the bid for the post and rope installation is \$1,000.

Mrs. Carlson said she might have someone else interested in doing the sidewalk work. She asked for authorization to accept Mr. Finch's bid to do the sidewalk. She said she would like to hire someone to work at the parks approximately 8-10 hours per week at \$8.00/hr. to do maintenance, clean up, etc.

MOTION #84 OF 2008

MRS. WARD MOTIONED TO HIRE AN EMPLOYEE 8-10 HOURS PER WEEK AT \$8.00/HR. TO PERFORM MAINTENANCE DUTIES AT THE PARKS. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

MOTION #85 OF 2008

MR. THOMAS MOTIONED TO ACCEPT THE BID RECEIVED FROM RICHARD FINCH IN THE AMOUNT OF \$2,000 TO COMPLETE CONCRETE WORK AND INSTALL POST AND ROPE AT LIGHTHOUSE PARK. MRS. WARD SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **COMMUNITY BUILDING – Proposed upgrades and prices**

Mrs. Thomas said Richard Finch has submitted a bid in the amount of \$9,300 to replace all the existing town office windows with vinyl replacements to cover the existing openings, with exterior casings covered in aluminum (excluding the window in Mr. Lawson's office); cleaning, pressure washing the building and front deck/porch; pointing block and brick on front as needed; painting outside brick on both ends of building and painting deck and porch area.

MOTION #86 OF 2008

MRS. WARD MOTIONED TO ACCEPT THE BID RECEIVED FROM RICHARD FINCH IN THE AMOUNT OF \$9,300 TO REPLACE TOWN OFFICE WINDOWS WITH VINYL REPLACEMENTS, PRESSURE WASH THE BUILDING AND DECK AREA, POINT BLOCK AND BRICK AS NEEDED, PAINT THE OUTSIDE BLOCK ON BOTH ENDS OF THE BUILDING AND PAINT THE DECK AND PORCH AREAS. MR. THOMAS SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **PAT O'BRIEN**

- Permanent appointment
- \$1/hr. raise effective 7/1/08
- Pro-rate health insurance deductible – discuss (no decision made 12/07)

Mrs. Carlson said that Mr. O'Brien is up for permanent appointment to the Highway Dept. and asked Mr. Ryan if he had completed his review.

Mr. Ryan said yes. He said Mr. O'Brien is working out well.

Mrs. Carlson asked if there was a written review and stated that it needed to be included in Mr. O'Brien's personnel file. She said he is eligible for his rate increase on 7/1/08.

MOTION #87 OF 2008

MR. THOMAS MOTIONED TO MAKE THE APPOINTMENT OF PATRICK O'BRIEN AS A PERMANENT HIGHWAY DEPT., MEO EFFECTIVE 7/1/08, TO INCLUDE A 1\$/HR. RAISE AND HEALTH INSURANCE DEDUCTIBLE PRO-RATED FOR 6 MONTHS AT \$1,100 EFFECTIVE 7/1/08. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- EMPLOYEE MANUAL

Mrs. Carlson said Mrs. Miller asked for clarification of Article 10. Highway Employees' Paid Vacation (pg. 14) in which it states "Each full time employee shall be entitled to the following paid vacation time based on the length of employment. 6 months to 1 year = 24 hrs." Mrs. Miller asked if an employee is hired in the middle of the year will the town pro-rate the portion of the year prior to Jan. 1st so they would get 24 hrs. or do they get 48 hrs. because they are entering the next year. Mrs. Carlson used an example of an employee who was hired full time in 11/07 and asked if he was entitled to 24 hrs. for the one remaining month of 2007. She said the one month should be pro-rated at 4 hrs., but then as of 1/1/08 would he be getting 24 or 48 hours. It was noted that the employee's 6 month probation period began in 5/07 and during that time an employee is not eligible for any benefits.

Mr. Whitney and Mrs. Ward stated that it should be done by time in service so that each employee's individual length of service and benefits are addressed. Mr. Whitney contended that vacation benefits should be based on first date of service regardless of the employee's status as probationary or permanent.

Mrs. Carlson noted that the handbook states that probationary employee's are not eligible for vacation benefits.

There was lengthy discussion by the board on the issue.

Mrs. Miller said if it was pro-rated every month it would be more accurate. She said if the employee was hired permanently in November, 2007 then he would get 4 hrs. for the month of December and on 1/1/08 he would be awarded the 24 hrs. for that year.

It was established that Mr. Asel is due 4 hours of vacation for the months of Nov. and Dec., 2007, and has been awarded 48 hours vacation effective 1/1/08.

MOTION #88 OF 2008

MRS. WARD MOTIONED THAT THE EMPLOYEE MANUAL BE REVISED TO INDICATE THAT AFTER THE PROBATION PERIOD OF 6 MONTHS IS COMPLETE, HIGHWAY EMPLOYEE'S ARE ELIGIBLE FOR VACATION BENEFITS PRO-RATED AT 4 HOURS PER MONTH UNTIL JANUARY 1ST OF THE FOLLOWING CALENDAR YEAR AT WHICH TIME THEY WILL BE AWARDED 48 HOURS FOR THE FIRST FULL CALENDAR YEAR. MR. THOMAS SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- VIOLENCE IN THE WORKPLACE – Committee Meeting scheduled for Tues. 6/24/08 9:30 AM

6/9/08 (PG. 5)

- **DUDLEY BREEDS' DRAWINGS**

Mrs. Carlson said that Mr. Breeds has presented concept drawings for the Stow Area and they will be posted for public view.

- **NEW BUSINESS:**

- **DOG CONTRACT – RENEW LEASED PREMISES**

Mrs. Carlson said that an Inspector from NYS Ag. & Markets reviewed the animal holding facility located at DCO Charlotte Grover's home. She said the facilities had passed inspection but the Inspector indicated that the lease agreement between the town and Mrs. Grover needed to be updated and renewed. She said the budget is in the amount of \$4,200 per year, plus mileage.

MOTION #89 OF 2008

MRS. WARD MOTIONED THAT THE LEASE AGREEMENT FOR THE HOLDING FACILITY BETWEEN THE TOWN AND CHARLOTTE GROVER, DCO, BE RENEWED FOR 2008 IN THE AMOUNT OF \$4200, PLUS MILEAGE AT \$.50 PER MILE. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **RABIES CLINIC – 6/24/08**

Mrs. Thomas said she has arranged a Rabies Clinic has with the County Dept. of Health to be held on Tues. 6/24/08 from 6-8:00 PM at the Ashville Fire Dept. Station 2 on Stow Road.

- **ASHVILLE DAY 7/19/08**

Mrs. Thomas said she has been in contact with the Ashville Day Committee to discuss the events. She said she has done an article for a local travel brochure and will also do an article for the Post Journal in order to promote the event.

- **YOUTH REC CONTRACT WITH COI – 7/7-8/15, 2008 ; 11:30-3:30 at AFD Training Center**

Mrs. Carlson said a meeting had been held with Matt Kraft of COI to discuss the summer Youth Rec Program. Mrs. Miller said a letter has been sent to Panama School requesting bus service for the program.

MOTION #90 OF 2008

MR. WHITNEY MOTIONED THAT THE CONTRACT BETWEEN THE TOWN AND COI BE RENEWED FOR THE 2008 SUMMER YOUTH REC PROGRAM. MRS. WARD SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **NYS OSC – ACCOUNTING FOR TOWN AND VILLAGE JUSTICE PAYMENTS**

Mrs. Carlson said the Comptroller is now requiring that all court fees be transferred from the court to the General Fund by check and then the town must electronically transfer to the OSC monthly the amount owed the state only.

Mr. Bensink said currently the court deposits the monies to their account and then writes a check to the Comptroller. He said now the town will collect the monies and keep the portion that normally comes back to them from the Comptroller instead of receiving a quarterly check.

Mr. Thomas indicated that this system might allow the town to realize some interest from the funds.

Mrs. Carlson said that a separate account might be needed to be established so that tracking will be easier.

TOWN BOARD

- **REPORTS:**

JAY GOULD, LEGISLATOR

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

- Local Law passed to allow exemption on home improvements (owner occupied) costing \$5,000 - \$80,000 for 1-2 family home – Must be filed for with Assessor.
- Local Law passed allowing service as both Legislator and School Board member simultaneously.
- Local Law tabled on Sheriff Dept. Captain pay raise. Mr. Gould said a Captain has 6 Lieutenant's serving under him and the night time Lieutenant is receiving higher pay than the Captain.
- Local Law passed prohibiting the use and possession of tobacco products by youth.
- Lengthy discussion of bed tax money use. Soil and Water Conservation funding at \$9,000 was voted on and Mr. Gould recused himself because of conflict of interest.
- Benjamin Spitzer was appointed to the Chautauqua Opportunities board
- Land Fill purchased 37.3 acres (\$37,300) for possible future expansion
- Child Advocacy Center on W. 3rd St. funded by grant money which allows that a child involved in a case will only be questioned by a team of 3 persons instead of multiple questioners and interviews. This was established in order to reduce trauma to the child.
- North Harmony received Mortgage Tax in the amount of \$26,746.46
- Resolution sent to the NYS Attorney General to investigate gas prices
- Veteran's Services are purchasing a van (\$12,000) to provide transportation to Erie and Buffalo for veterans. He said there had been talk of changing the hours that the van will provide transport.
- Grant issued for the Stow Ferry Landing for approximately \$500,000. He said he did not know when the public announcement would be made.
- Mr. Gould has been appointed to the Southern Tier Railroad Assoc. Authority and will be receiving training for that volunteer position.

RANDY HOLCOMB, ASSESSOR

Mrs. Thomas said Mr. Holcomb had provided a report and there were 29 grievance cases brought before the Board of Assessment Review on Grievance Day. The total reduction in taxable assessments resulting from grievance was \$887,250.00.

GARY RYAN, HIGHWAY SUPERINTENDENT

Mr. Ryan said the highway has been working on installing sluice pipe; hand patching and they will start black topping on Wednesday. He said they will begin sealing after that. He said they intend to complete Randolph Rd. and then work on Fox Rd. and if materials are left they will start Baker Rd. Mr. Ryan said they would also be removing the tree from Cheney Pt. Creek now that the ground has dried up.

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

Mr. Peacock said \$19,406.50 was received from the NYS Comptroller.

Mr. Bensink said that in order to encourage attendance at extra training sessions the Unified Justice Court System is helping to offset the costs (i.e. hotels, mileage, etc.) associated with justices attending those sessions instead of passing the burden to the towns. He said the Court System will also now allow Justice Courts that have a little activity to consolidate if they wish.

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

Mr. Lawson said he and Mrs. Carlson had met with Mrs. Caster and she seems to be open to discussion regarding the conditions at Caster Well Drilling on Stow Rd. He said the certified letter sent on the junk vehicle situation was returned un-opened. He said he had taken pictures of the Carlson property and would be addressing it. He said the property on Stoneledge and Brook St. has been mowed and hopefully it will stay cleaned up. He said Ray McGill's survey has been done for a storm water plan. He said he and Mr. McGill have spoken to 2 engineers who are interested in providing a plan for the property which will require 2 retention ponds to collect and filter water in order to maintain the watershed.

DAVE LLOYD, HAZARD MITIGATION

Mr. Lloyd said that after a meeting with Mr. Tolman they agreed to begin looking into grant funding other than federal flood hazard funding to address the problems in Ashville. He said that Ms. Saxton has been able to obtain flood insurance with help from the Rebecca Anderson of the DEC. He said he and Mr. Tolman have reviewed the Longview project. He said they both have ideas that they will discuss with Mr. Ryan at the appropriate time and then discuss them with all parties involved. He said that they are still working on possible solutions to the problem at Cheney Pt. (including where the creek crosses Rt. 394 from Cheney Rd. He said he and Mr. Tolman have some ideas and Dave Wilson from the county will be doing some surveying in relation to the area. He said that Mr. Ryan has been busy so he does not know what the current status of the Stow Ferry and Victoria Road (90% complete) projects.

NANCY THOMAS, TOWN CLERK (Written copy of report included in Minute Book)

MOTION #91 OF 2008

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

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

MOTION #92 OF 2008

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

MOTION #93 OF 2008

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

MOTION #94 OF 2008

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

MOTION #95 OF 2008

ON A MOTION MADE BY MR. WHITNEY AND SECONDED BY MRS. WARD THE MEETING WAS ADJOURNED AT 9:25 PM.

Nancy M. Thomas
Town Clerk