

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

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

OTHERS PRESENT: Jay Gould, Legislator; Gary Ryan, Highway Sup't.; Dave Lloyd, Hazard Mitigation; Brad Lawson, Zoning CEO; Dave Stapleton, Attorney; Howard Peacock, Justice; John Best, Nancy Thomas, Town Clerk

- 8:00 - CALL TO ORDER

- MINUTES

MOTION #117 OF 2008

ON A MOTION MADE BY MR. THOMAS AND SECONDED BY MRS. WARD THE 8/11/08 MINUTES OF THE TOWN CLERK WERE ADOPTED UNANIMOUSLY.

- PUBLIC COMMENT

- CORRESPONDENCE:

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

1. CHAUTAUQUA CO. – NEW COMPREHENSIVE PLAN
Mrs. Carlson asked anyone interested in becoming involved in this process to please contact her.

 2. CHAUT. CO. EXEC. – Steps to a Healthier NY – Promoting removal of debris from road sides

 3. E&M ENGINEERS - Newsletter

 4. BOOTEY BAY HOTEL CORRESPONDENCE: NYS DEC – Abby M. Snyder, Regional Dir.
Preston Buchtel, Tom Davis, John Jablonski, Wm. & Gerry Bair
- Mrs. Carlson gave an overview of the letters received and said they would be placed on file for the record.
5. NYS ORPS – MEMORANDUM OF UNDERSTANDING
Mrs. Carlson said that under the new revaluation which will be conducted next year the town needs to pass a memorandum of understanding with the ORPS which allows them to come in and do the evaluation on utilities to make them uniform statewide.

 6. TIME WARNER – FRANCHISE FEE RECEIVED - \$1,532.90 – Survey for extension of service

Advising of further loss of channels which do not have large viewer ship and replacing with others.
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Mrs. Carlson said that Time Warner has expressed a willingness to extend cable installation in the area and requested names of roads/areas to target for the extension. She asked for input from those present after the meeting. Areas mentioned for expansion were Morley, Stow, Car.-Pring., Bly Hill and Ramsey Roads.

7. WESTERN SOUTHERN TIER BUILDING OFFICIALS (North Harmony is a member)

8. NYS ASSOC. OF TOWNS – DUES FOR 2009 \$800.00 (up \$100 based on budget)

9. NYS PUBLIC SERVICE COMMISSION – VERIZONS NETWORK REVIEW

10. NATIONAL GRID – Testing to take place 9/22/08 7-8:00 AM (rain date 9/28/08)

11. CHAUTAUQUA CO. DPF – Speed Reduction on Carpenter-Pringle Rd. and Sunrise Cove

Mrs. Carlson said the reduction had been requested in 9/07 and the results of their evaluation have been received. She said they did not agree to reduce speed on the Carpenter-Pringle Rd. from 55 to 45mph because in their opinion the volume of the traffic is so low as to not warrant a decrease. They have established a rate of 30mph for Sunrise Cove.

12. SENATOR SCHUMER –GRANT FUNDING - 2009 Museum for America
- Digital Humanities

13. U.B. REGIONAL KNOWLEDGE NETWORK – Website

15. NATIONAL FUEL – Request for information on any Public Improvement Projects

16. CHAUTAUQUA CO. INSURANCE – Cost of Workmans Comp in 2009 \$32,784.76

17. REQUEST FOR ALL AMERICANS TO FLY THE FLAG ON 9/11/2008 IN REMEMBRANCE

- OLD BUSINESS:

- TIME WARNER FRANCHISE AGREEMENT RENEWAL (See item 6. Correspondence)

- LIGHTHOUSE PARK

Mrs. Carlson thanked all those who helped with the rededication ceremony 8/16/08. She said there are pictures and a DVD if anyone would like to view them.

- TOWN PICNIC

Mrs. Thomas thanked all those who contributed to the Town Picnic on 8/16/08.

- BOARD OF ELECTIONS – COMPLETION OF STEPS TO MAKE BUILDING HANDICAP ACCESSIBLE

Mrs. Carlson said she will send a letter to the BOE outlining the steps the town has completed in order to be compliant.

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- **NYS DOT – TRAFFIC STUDIES AT SUNRISE COVE AND CARPENTER PRINGLE (See item 11. Correspondence)**
- **NEW BUSINESS:**
- **RESOLUTION ON MEMO OF UNDERSTANDING WITH ORPS (STATE DOES UTILITIES)**

MOTION #118 OF 2008:

MR. WHITNEY MOTIONED THAT THE TOWN OF NORTH HARMONY ENTER INTO A MEMO OF UNDERSTANDING WITH NYS ORPS ALLOWING THEM TO PERFORM THE ASSESSMENT ON UTILITIES. MR. STOW SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

There was discussion on whether the memo of understanding includes gas wells and if it will include wind mills in the future.

- **CONTINUE EXTRA EMPLOYEE AT TRANSFER STATION THROUGH SEPT., 2008**

Mrs. Carlson said that she had discussed this with Mr. Penhollow and it will cost the town approximately \$450.00. She said the extra help unloading and helping resident's with their trash is well worth the cost.

Mr. Lawson said they are doing a great job at the transfer station and the extra employee certainly makes the process much quicker. Others expressed the same sentiment.

- **3 MONTH MORATORIUM ON ADULT ENTERTAINMENT – Requested by the Planning Board**

MOTION #119 OF 2008:

MR. STOW MOTIONED TO DECLARE A 3 MONTH MORATORIUM ON ESTABLISHING ADULT ENTERTAINMENT IN THE TOWN. MRS. WARD SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **SURVEY OF NORTH HARMONY RESIDENTS AND PROPERTY OWNERS**

Mrs. Carlson said the Planning Board will be sending the town wide survey to residents/property owners soon. She said it would only go to properties with residences, not just land. She said labels are completed and we await the envelopes ordered for the 4 page survey.

- **2009 BUDGET**

Mrs. Carlson requested that those who have not returned their budget request forms please do so in order that the process might be completed.

- **NO PARKING SIGNS AT CHENEY'S POINT**

Mrs. Carlson said she had been approached about the recently placed No Parking signs at Cheney's Point. She said the gentleman said they have been maintaining that area for many years and were concerned that the signs would be enforced. She said the town's concern is the storage of boats in that area and apparently the Amish are using it as a road to access their property. She said she understood that there was a

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court case in which residents were threatened with a \$50,000 suit if the Amish were not allowed to go through there. She said it had not gone to court but Mr. Wengard's attorney insists his client have access to his property. Mrs. Carlson said the way the map reads it looks as if the land is a part of the road. She said the map needs clarification.

Mr. Stapleton said it is still not a road even though the town accesses it to clean out Cheney Creek and the town does not necessarily have to allow them access. He stated apparently they were allowed to access their property through paper streets and that is their only legal access according to their attorney. He stated that the town has the right to do whatever is in the best interest of the town and the reasoning should be articulated.

Mrs. Carlson said the only complaints she has received are about the boats in the creek and concerns for damming up the creek.

Mr. Lawson said this issue has been an ongoing matter and the Zoning Board has determined it is a civil matter between residents and not requiring a town decision.

Mr. Ryan said if the property it is accessed by water, there is nothing anyone can do about it. He stated his reason for the signs was to prevent boat storage so that the area is accessible if the highway needs to do work.

Mrs. Carlson said it should not be used for boat storage or property access by the Amish.

- **BOARD OF ELECTIONS – Contract for payment to town for use of facility in the amount of \$100 for elections**

MOTION #120 OF 2008:

MR. WHITNEY MOTIONED TO ENTER INTO A CONTRACT WITH THE CHAUT. CO. BOARD OF ELECTIONS IN THE AMOUNT OF \$100 TO BE PAID TO THE TOWN FOR THE USE OF THE COMMUNITY BUILDING FOR PRIMARY AND GENERAL ELECTIONS IN 2008. MRS. WARD SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **TRI-JAMES – Thank you letter for pumping out houses at Butts Park to be sent**
- **DAVE LLOYD – CONTRACT RENEWAL FOR HAZARD MITIGATION**

There was discussion of Mr. Lloyd's contract to provide services effective 6/07 and expiring 6/08.

Mr. Lloyd said that Mr. Ryan has put out funding for storm water projects that probably should not be affecting highway accounts. He indicated that if there are no other funds to feed from and budgeting is not available, perhaps his contract should be extended only to the end of the year 12/31/08, in order to complete current projects, and then discussed as far as funding availability in the 2009 budget.

MOTION #121 OF 2008:

MR. WHITNEY MOTIONED TO EXTEND MR. LLOYD'S CONTRACT FOR HAZARD MITIGATION AT THE CURRENT RATE OF PAY RETROACTIVE FROM 7/1/08 THROUGH 12/31/2008. MRS. WARD SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **JOHN BEST – TREE CUTTING AT BUTTS PARK**

Mr. Best said Mr. Ryan had asked him to review the brush dump at Butts Park with regard to tree harvesting. He said there is an existing problem with a wet spring created by dumping that has caused a ditch of water which is contributing to ash and hickory trees dieing. He said he has also reviewed the area by the maintenance building and feels between the two locations there is probably enough saleable timber to

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cover the cost of removing all the dead trees and excavating to create a diversion ditch to alleviate the problem as well as perhaps improving the parking lot area.

Mrs. Carlson said she and Mr. Gould had spoken to someone from soil and water conservation.

Mr. Gould said he confirmed that there is saleable timber at the park location.

Mrs. Carlson said she has not heard from him at this time and Mr. Gould said she should soon because if not more trees might be lost. Mrs. Carlson said especially when they start bringing the dredged silt in; the dead trees could not be left there.

Mr. Gould said his contact Dave Span indicated that he would mark the trees and advertise the sale.

Mr. Best said he marks the trees, cuts and skids it and markets the logs so that you get the log price (usually quite a bit more) instead of the standing timber price.

Mrs. Carlson tabled the subject until next month when more information is gathered.

- **REPORTS:**

JAY GOULD, LEGISLATOR

Mr. Gould said he has been reappointed to the DWI Board which allocates funding of DWI fines received by the county (i.e. enforcement, prevention, etc.).

- Adjusted the account of the DPF for increased fuel costs (\$215,000 from Contingency Fund)
- NYS Comptroller requiring revenue and expense style accounting of Sales Tax for towns
- Use of 2% bed tax for waterways will be decided based on the Legislature advisement provided by a 7 member panel selected from Water Quality Task Force
- \$20,000 from Sen. Young for trench rescue equipment in case of excavation collapse
- Public hearing scheduled before next Legislative meeting on Gulf Stream Int'l. Airlines rental proposal to County Airport. Flights will be from Jamestown to Cleveland connecting with Continental Airlines. Contract would pay \$1,500 per month, plus \$6 per landing for a period of 10/1/08 – 9/30/10
- New voting machines are complicated to use and Mr. Gould suggested a demonstration be scheduled, perhaps at the Sr. Citizen center.

There was general discussion of the voting machines both the newly proposed and the old system.

RANDY HOLCOMB ASSESSOR (Copy included in Minute Book)

Mr. Holcomb's report stated that there had been no suits resulting from the 2008 assessment role and his hope that none are received on the 2009 role.

GARY RYAN, HIGHWAY SUPERINTENDENT

Mr. Ryan said the following has occurred at the highway dept. this month:

- three MEO's have been on vacation for the past 2 weeks
- they have been working on brush hogging, pipe work, ditching and installing check dams at Cheney Rd. just above Rt. 394

Mr. Ryan said he wants to purchase a gravel spreader to install on the back of the dump truck to help spread gravel on the road shoulders. He said he has received 3 quotes and the best bid was for a little over \$5,000.

Mrs. Carlson said she believed that under the town's procurement policy he could go ahead and purchase the spreader.

HOWARD PEACOCK, JUSTICE (Copy included in Minute Book)

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Mr. Peacock said that the NYS Comptroller had sent a report stating that \$32,057.50 was sent to their office for July, 2008. He said that the court was continuing work on the grant funding available from the NYS Justice Court System and mentioned that a separate phone line for the court might be something to be considered. It was noted that a line has been added recently to facilitate the use of credit cards for court fine payment.

Mrs. Thomas said she would look into the phone situation.

BRAD LAWSON, ZONING CEO (Copy included in Minute Book)

Mr. Lawson said that he had met with the representative from ISO to review the ISO survey. He said one had been done in 2003 or 2004. He said they are contracted by the insurance companies to do the report which is then graded. He said the town has a rating of 4 which is pretty good (scale 1-10 with 1 being the best and 10 the worst rating). He said the ISO Representative said the town's rating would probably change by 1 point throughout NYS because of Building Codes adoption schedule. He said this probably should not have any effect on local private insurance rates. He said the Building Association is lobbying the ISO to make sure that insurance companies receive these ratings so that they can adjust rates as needed (especially commercial projects). He said there have been a number of building projects started. He said the areas of growth have been diversified throughout the town. He said the Planning Board will be working on the Adult Entertainment zoning as well as windmills (commercial and residential).

DAVE LLOYD, HAZARD MITIGATION

Mr. Lloyd said he had met with Greg Edwards, Rex Tolman, Frank Stow, Jeff Angeletti, Kim Sherwood, Dave Wilson and Rick Constantino on 9/4/80, to discuss a project at the BOCES Hewes center focusing on the streams that flow through there to the lake and Ashville. He said they planned to walk the area in the next 2 weeks to identify feasible projects which might include step dams, storm water holding areas to benefit Sunrise Cove, Bly Hill and Stoneledge Rd. to Goose Creek, etc. He said this could alleviate a lot of the gravel, debris and silt coming from those areas. He said the conservation students would be participating in some areas of the project and would be aware of all aspects of the project which will provide them with an educational investment in the future of the watershed. Mr. Edwards said he would seek state and federal funding if the project has merit. He said that he had spoken to Mr. Constantino about the matching funds from the CLMC which have not been received by the town yet. He said the Victoria project is almost complete and the County wants to place a sign there advertising the project. It was the general consensus that the sign could be placed when the matching funds are received. Mr. Lloyd said that Dave Wilson and Rex Tolman will do an elevation study for the Cheney project and begin working on the plans. Mr. Edwards said he will seek funding for this project also, if Rex and Dave think it is viable. He said there has been no word on the Ashville mitigation project. He said the check dams Mr. Ryan is installing on Cheney Rd. should have a very favorable effect on Cheney Creek. He gave the opinion that these types of dams would benefit the watershed if placed in other locations (i.e. Butts, Bly Hill, Stoneledge, Stienhoff and Alexander Roads). He said Mr. Ryan would be placing rip rap at Bly Hill where there are problems with a stream that washes out the road shoulders and creates runoff to the lake. He said Mr. Ryan has informed him that he can no longer fund storm water projects from the highway budget, but will continue to fund ditch and dam projects.

NANCY THOMAS, TOWN CLERK (Copy included in Minute Book)

Mrs. Thomas said the FOIL request on the Bootey Bay Hotel project has been completed and mailed to Ms. Bergen. She said the file comprised over 1,200 pages of documents and requested that the payment received in the amount of \$321.30 (copies/postage/handling) be refunded into the Town Clerk A1410.1.1 to cover the hourly wage of the Deputy Clerk.

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MOTION #122 OF 2008:

ON A MOTION MADE BY MR. THOMAS AND SECONDED BY MR. WHITNEY \$321.30 RECEIVED IN PAYMENT FOR THE BOOTY BAY FOIL REQUEST WILL BE REFUNDED TO THE TOWN CLERK'S A1410.1.1 ACCOUNT TO COVER HOURLY WAGES OF THE DEPUTY CLERK USED TO COMPLETE THE REQUEST. **THE MOTION WAS CARRIED UNANIMOUSLY.**

MOTION #123 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 (Copy included in Minute Book)

Mrs. Carlson said she and Dave had met with Rick Constantino and the Goose Creek Project has been approved and they will be dumping the silt at the brush dump at Butts Park. She said they have agreed to pay for the silt fence and she will make sure that they install it so it will be their responsibility.

Mr. Lloyd said one issue of project that needs to be addressed is loss of wet silt on the journey to the brush dump.

Mr. Ryan said he would contact Mr. Constantino to discuss provisions for taking care of the roads during the process. He asked why they could not stockpile the silt until it becomes dry before moving it.

Mrs. Carlson said there is a short window in which this project can take place from 7/1/08 – 3/30/09. She said the permit is for 8/19/2008 – 12/31/2013.

MOTION #124 OF 2008:

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

MOTION #125 OF 2008

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

MOTION #126 OF 2008

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

MOTION #127 OF 2008

ON A MOTION MADE BY MR. THOMAS AND SECONDED BY MRS. WARD THE MEETING WAS ADJOURNED AT 9:15 PM.

Nancy Thomas – Town Clerk