

**TOWN OF NORTH HARMONY
BOARD MEETING
MONDAY, FEBRAURY 11, 2008
8:00 PM**

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

Others Present: Rex Tolman, Tolman Engineering; Kari Seeley, Girl Scouts; David Stapleton, Attorney; Dave Lloyd, Hazard Mitigation; Gary Ryan, Hwy Sup't.; Howard Peacock, Justice; Dick Sena, Planning Board; Joseph Komar, ZBA; Bill Daly, IDA; Mark Anderson, Bob Fredrickson, Brad Lawson, Zoning CEO; Nancy Thomas, Town Clerk

- **CALL TO ORDER – 8:00 PM**
- **PLEDGE OF ALLEGIANCE**
- **MINUTES**

MOTION #21 OF 2008

MR. WHITNEY MOTIONED TO ACCEPT THE MINUTES OF THE 1/14/08 BOARD MEETING AS SUBMITTED BY THE TOWN CLERK. MRS. WARD SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **CITIZEN COMMENT:**

JOSEPH KOMAR, ZONING BOARD OF APPEALS

Mr. Komar asked to discuss a recent editorial in the Post Journal regarding the proposed Bootey Bay Hotel project and asked if either of the authors of the editorial were present. He said there were numerous incorrect statements made in the article. He asked if anyone knew the people who had submitted the article as they had stated they were taxpayers.

Mrs. Carlson said they are not present at the meeting nor are they on the North Harmony tax roll.

Mr. Komar said the authors had criticized the fact that they had not had been given a chance to speak publicly about the project.

Mrs. Carlson noted that they had never attended a board meeting. She stated the article was just the opinion of two people.

DICK SENA, PLANNING BOARD

Mr. Sena said he also wished to respond to the article. He said he feels the board should formally respond to the article by stating that although no public hearings have been held yet, all town meetings are open to the public. He said the article was not based on fact and this type of misinformation could be damaging.

Mrs. Carlson said the town would be sending out a newsletter in the near future and she would respond at that time. She said she intended to make the public aware of the town's web site and where they should check for legal notices once Public Hearings are scheduled. Mrs. Carlson said she had begun to craft a response to the article and informally read a portion of her draft response for those present. She concluded

TOWN BOARD
2/11/08

that the town has an obligation to be open minded in reviewing the possibilities for sewer and perhaps water.

BILL DALY, INDUSTRIAL DEVELOPMENT AGENCY (IDA) – PILOT PROGRAMS

Mr. Daly said Mrs. Carlson had invited him to come and explain the concept of PILOT (Payment in Lieu of Taxes) Programs. He stated that the IDA is a Public Authority and the County Executive had made him the Director of Planning and Economic Development and by that political appointment he becomes the C.E.O. of the IDA. He said that as a Public Authority they have the power to abate taxes, forgive sales tax, forgive mortgage recording taxes, issue industrial revenue bonds, issue civic facility bonds, all of which are federal, state and NY City tax exempt which allows for a much lower interest rate. He said PILOT programs are only available for Industrial or Tourist Destination style projects and they can be done by the IDA without the authority of the town, county or school system but they prefer to discuss it with the involved entities. He said for PILOT programs there is an option to use Uniform Tax Exempt Policy (UTEP). He said the simplest form of this is 50% tax abatement for 10 years although other forms of this equation have been used successfully. He stated in a PILOT the taxing entities get the same percentage they would normally get from the regular tax base (i.e. school – 50%; county – 25%; town – 25%) unless all agree to participate at some level (i.e. school gives 10% to the town). He said PILOT programs are done on new construction and gave Eastern States Metal Roofing as an example (no break on existing building but 50% abatement for 10 years on new construction). He stressed that even though abatement may be granted, the tax base and revenue increase because of the value of the project. Mr. Daly explained that this project would also have PIF (PILOT Increment Financing) which means if the town, school and county could agree to give up all or portions of their PILOT payments from the IDA it can be used to pay for infrastructure. He said this is done all over the country very successfully. He said this allows the developer's taxes to pay for infrastructure.

Mr. Komar asked how many people the hotel would employ.

Mrs. Carlson said Mr. McGraw had indicated 125 employees.

Mr. Daly said grant funding would also be pursued for infrastructure. He also emphasized that the top three floors of (24) condos at the hotel would not receive abatement. They will go on the roll at full valuation.

Mr. Stapleton asked if it is correct that the tax abatement is only on the increase in taxes and does not apply to the current assessed value of the property and therefore would not decrease the town's tax base, but in fact, increase it.

Mr. Daly said that is correct.

Mr. Sena asked if 100% abatement is possible.

Mr. Daly said yes they had recently done one for a windmill project. He said that during the construction of a project the IDA has the authority to forgive both state and county sales tax on construction materials which can amount to about ½ of the project cost.

Mr. Stapleton asked Mr. Daly to describe for the record what types of meetings/discussions regarding this project have occurred in terms of a time line with the county, town and the developer.

Mr. Daly said he had been aware of the project since January, 2006 and had met with the developer and his attorney's. He also stated that the developer was working with Adam Walters of Phillips Lytle who is extremely proficient. He said meetings have been ongoing since that time which have included the developer, IDA, DPF, Greg Edwards, South and Center Sewer District, BPU, DEC, Health Dept., County Finance, County Attorney, Rex Tolman, Sally Carlson, Investment Bankers, etc.

Mr. Stapleton said there has been considerable effort to locate grant funding for water/sewer which have not been available to the town in the past and the process has been going on for 1 ½ - 2 years.

TOWN BOARD
2/11/08

Mr. Daly also indicated that input had been sought from HUD with regard to mid to low income housing for employees of the hotel.

Mr. Stapleton noted that Don McCord of the Chautauqua Co. Planning Dept. has been independently consulting with the North Harmony Planning Board to develop a Comprehensive Plan for the town and the county has been actively involved for a long time on this project.

Mr. Lawson stated that the DEC has been involved with the project from the very beginning.

Mr. Stapleton said the article that appeared in the newspaper addressed only a portion of all the issues that were already being discussed by all of the knowledgeable people attached to the agencies previously indicated and the assumption that this project was not being carefully scrutinized by the town and these agencies was erroneous. He said these issues have been under discussion for almost 2 years and would all be addressed in the full environmental impact statement that is required.

Mark Anderson of Camp Chautauqua said he feels the community is under a misconception when it comes to tax abatement. He said it needs to be made clear that abatement does not affect what is currently on the tax roll or base tax, but only what will be added new to the tax roll.

Mr. Daly said that is correct and emphasized that the condominiums would receive no abatement and they would add a very large amount to the tax roll. He also stated the future hope that sewer would move in a continuous manner from the project further up the lake toward Chautauqua. He said his strategy is to inform the public what is going on so that there are no misconceptions.

Mr. Whitney asked if the example of the tax PILOT breakdown given earlier was typical.

Mr. Daly said yes it can be very similar. He thanked everyone for their time and asked if there were any questions.

REX TOLMAN, TOLMAN ENGINEERING – WATER/SEWER STUDY PRESENTATION

Mr. Tolman gave a lengthy power point presentation of each of the options investigated for the water/sewer feasibility study that was commissioned by the Town and the Developer. He indicated that the presentation is only for the first phase of the project which will provide water/sewer only to the hotel project. *A copy of the presentation and study are available for review in the Town Clerks Office.*

OPTIONS EVALUATED: (** Indicates recommended alternative*)

SANITARY SEWER

- ***Chautauqua Lake South and Center Sewer District** (*Approximate cost of getting lines to the hotel project is \$4,400,000.00; if sewer districts are established in the bays est. average annual residential sewer cost is \$511.00 (does not include capital cost); Hotel Project annual sewer cost avg. \$133,000.00*)
- **North Chautauqua Lake Sewer District** (*Approximate cost of upgrading existing facility and getting lines to the hotel project \$14,000,000.00*)

WATER

- ***Jamestown BPU Option #1** – **Connect to Medium Pressure System on Hunt Road** (*Approx. cost to get lines to hotel project is \$7,000,000.00; avg. annual residential water only cost \$457.00; hotel avg. annual water only cost \$123,000.00*)
- **Jamestown BPU Option #2** – **Connect to Low Pressure System at BOCES** (*Approx. cost to get lines to hotel project is \$5,600,000.00; avg. annual residential \$457.00; hotel avg. annual \$123,000*)

TOWN BOARD
2/11/08

- **(* best choice just for hotel) Stow Well Field Supply** – (Approx. cost \$3,400,000.00; avg. residential water \$157.00; avg. hotel water \$65,500.00)
- **(* selected option) Chautauqua Lake Supply (Intake into Lake with Treatment Plant)** – (Approx. cost \$4,900,000.00; avg. residential water \$157.00; avg. hotel water \$23,300.00 - \$72,000.00)

Mr. Tolman emphasized that Phase I does include the infrastructure to build on and supply the entire Stow and Ashville area which he feels are the types of projects that are most eligible for tax abatement purposes. Tables are included which provide water usage estimates for the resort and the Stow area. Lines for both water and sewer would be run in the ROW of Rt. 394 and could be done simultaneously so that things would be torn up only once. There was discussion of existing gas lines and **Mr. Tolman** stated that water/sewer lines would be buried a minimum of 4' underground (i.e. 5' sewer, 4' water). There was also discussion of tank placement and requirements for fire suppression flow.

Mr. Stapleton asked if BPU Option #2 would require that the town pay both Lakewood and Busti their share as opposed to BPU Option #1 which would require payment only to Busti.

Mr. Tolman said that all of that would need to be negotiated.

Mrs. Carlson said that **Dr. Berke** feels that all of that can be renegotiated and that the Health Dept. might be willing to help.

Mr. Komar asked if the average cost of water and sewer per residence would be approximately \$1,000.00 per year.

Mr. Tolman said that was just the cost of treating the sewage and your water bill. He said that does not include hookups or maintenance of the system.

Mrs. Thomas asked if hookup to the water would be optional for residents. She said that she understood that hookup to the sewer would be mandatory because of county regulations.

Mr. Tolman said that with the county if you are within 100' you have to hookup but the town can do anything it wishes in that regard. He said payment for the infrastructure is not optional. **Mr. Tolman** said he is in favor of regionalized systems such as the BPU and feels that BPU option #1 would be the best choice of those two. He said that the issues facing the Stow Well Field Supply option are locating enough water and pressure without affecting homes in the area; well head protection distances; limited drilling area and limited build on capacity. It was noted that operational costs and filtration costs for the developer were not included in this option. **Mr. Tolman** said that if the Lake Supply option was selected the BPU might be convinced to take over the operation of the treatment plant and it would have enough supply for the town and Ashville.

- **CORRESPONDENCE:**

1. **TVGA**

Mrs. Carlson said that TVGA is working with the CLMC and will be holding a meeting at the Town Building on Friday, 2/15/08 at 1:30 and invited anyone interested to attend.

2. **GOV. SPITZER – Letter of endorsement for Bemus Pt./Stow Ferry stamp**

3. **COUNTY TAX RATE – North Harmony is in lower quarter of actual tax rate**

4. **CHAUT. CO. DEPT. OF FINANCE – Sales tax received \$128,274.55**

Mrs. Carlson said it would be deposited to the Highway Fund account.

TOWN BOARD

2/11/08

5. **ONLINE – ZIPSKINNY – Demographic of Ashville area (unique info on town)**
6. **TIME WARNER CABLE**
7. **NYS DEC – Rebecca Anderson – Caster Well Drilling**
Mr. Lawson said he had been advised by letter that the DEC wants to close some flood plain problems they had and were requesting the Caster Well Drilling book from him. He said he would forward it to her return receipt requested.
8. **NYS ASSEMBLYMAN – WM. PARMENT – Hope to find funding for 911**
9. **NYS GOV. SPITZER – UPSTATE INFRASTRUCTURE**
10. **CHAUTAUQUA CO. FINANCE – WARRANT RECEIVED**
11. **SEIU – WCA SERVICE UNION ASKING FOR SUPPORT**
12. **NYS DOT – TRAFFIC STUDY RESULTS STEDMAN FOUR CORNERS**
Mrs. Carlson said the DOT has completed their study of the Stedman Corners four way stop area and are subsequently reducing the approach to all four Stop signs on CR 33 and CR18 to 45mph.

- **OLD BUSINESS:**

- **HOTEL – LEAD AGENCY STATUS**

Mr. Stapleton said the town board had passed the application for Zoning Changes to the Zoning Law onto the Planning Board for review and recommendation. He said since the Planning Board has not yet had a chance to meet on the issue it is important to acknowledge and to extend the time that the PB has to review the application.

MOTION #22 OF 2008

MRS. WARD MOTIONED THAT AN ADDITIONAL 30 DAYS BE GRANTED TO THE PLANNING BOARD TO REVIEW THE REQUESTED CHANGES TO THE ZONING LAW. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. Stapleton said the Town Clerk has received some replies to the Lead Agency Status Intent document circulated to various interested agencies and at this time the DEC is the only agency to express interest in possibly accepting co-lead agency status with the Town. The DEC letter indicated they felt it would be appropriate for the parties to enter a mutual agreement to waive the various SEQR time frames especially since a requested zoning change that would impact the project is occurring at the same time as the SEQR on the development. He said he would contact Mr. Walters about drawing up a document to cover this issue and since the time frames on this were suggested, a motion was not necessary at this time.

- **HIGHWAY REQUESTING AUTHORIZATION TO PURCHASE DUMP BOX FOR TRUCK #5**

Mr. Ryan said the dump box is stainless steel and would cost a little over \$12,000.

TOWN BOARD
2/11/08

MOTION #23 OF 2008

MR. THOMAS MOTIONED TO AUTHORIZE THE HIGHWAY DEPT. PURCHASE OF A DUMP BOX FOR TRUCK #5 AT A COST OF APPROXIMATELY \$12,000.00. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- DUDLEY BREEDS – CONTRACT REVISED – ½ FEES TO BE PAID 2/12/08 AND ½ AT COMPLETION – Details worked out
- PARKS – PICNIC TABLES ORDERED AND RECEIVED FROM JAMESTOWN ADVANCE PRODUCTS
- CHANGE IN 2008 HIGHWAY COMMITTEE APPOINTMENT

Mrs. Carlson said Mr. Yates has asked to be removed from that committee. She said Mrs. Ward has agreed to replace him.

- NEW BUSINESS:

- GIRL SCOUT (BROWNIES) – COOKIE SALES AT THE TRANSFER STATION

Kari Seeley appeared before the board and requested that the Brownies be allowed to sell Girl Scout Cookies during regular operation hours at the Transfer Station on 3/1/08. Ms. Seeley assured the board that no more than two 2 scouts would be present for each 2 hr. shift and there would be at least one adult present for each shift.

MOTION #24 OF 2008

MRS. WARD MOTIONED TO ALLOW GIRL SCOUT COOKIE SALES AT THE TRANSFER STATION ON 3/1/08 AS OUTLINED. MR. THOMAS SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- TRANSFER STATION BILLING – John Penhollow to pay extra tipping fees for tonnage taken to transfer stations rather than the landfill as contracted

MOTION #25 OF 2008

MRS. WARD MOTIONED TO ALLOW PENHOLLOW DISPOSAL TO TAKE WASTE FROM THE TOWN TRANSFER STATION TO OTHER DROP OFF STATIONS THAN THE LANDFILL AS CONTRACTED, PROVIDED PENHOLLOW DISPOSAL REIMBURSE THE TOWN FOR THE DIFFERENCE IN THE TIPPING FEES ASSOCIATED. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- HIGHWAY DEPT. PURCHASE OF COMPUTER SOFTWARE FROM WILLIAMSON

Mrs. Carlson said that she, Gary and Dave had met with Williamson and been given a presentation of a software program that would keep track of road repairs, equipment, signage, employees and would provide projections for future years on budgets, etc. Mrs. Carlson said the program also creates records that can be used if necessary for documentation for any law suits that might arise in connection with the town roads.

TOWN BOARD
2/11/08

The cost of the program is \$2,530.00 for the software and \$395.00 per year for maintenance.

Mr. Lloyd said he had looked at the software program in 2006 and was very impressed with the scope of the program and feels it will enhance the information the highway is able to bring to the board.

MOTION #26 OF 2008

MR. WHITNEY MOTIONED TO AUTHORIZE THE PURCHASE OF HIGHWAY DEPT. SOFTWARE FROM WILLIAMSON AT A COST OF \$2,530.00 AND A MAINTENANCE PROGRAM AT A COST OF \$395.00 PER YEAR. MRS. WARD SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

• **JIM COMELLA – DONATION OF 50’ STRIP ON WATSON RD.**

Mrs. Carlson said that at one time Mr. Comella had been interested in donating a 50’ strip of land on Watson Rd. to the town to create permanent green space. Mrs. Carlson said she would like to approach Mr. Comella again on behalf of the town. She said Mr. Holcomb has provided figures indicating that Mr. Comella’s assessment would be decreased by \$16,500.00 if the land is donated (75’ strip would mean assessment decreased by \$20,000.00). Mrs. Carlson said the area could be cleaned up and would provide green space as well as an area to absorb water in case of flooding.

• **REPORTS**

JAY GOULD, LEGISLATOR

(Mr. Gould on vacation)

GARY RYAN, HIGHWAY SUP’T.

Mr. Ryan said the highway has been plowing and sanding.

HOWARD PEACOCK / EVERETT BENSINK, TOWN JUSTICES (copy of report attached)

(Mr. Bensink on vacation) **Mr. Peacock** said there was nothing further to add to his report.

BRAD LAWSON, ZONING CEO (copy of report attached to minutes)

Mr. Lawson said that he had not issued a lot of permits this month. He said he had visited Mr. Jensen’s property and the Brown property located by the Kelly property. He said he had sent a junk vehicle violation notice to the Brown’s and has not received a reply. He said the property is for sale and he will try to contact the realtor.

DAVE LLOYD, HAZARD MITIGATION

Mr. Lloyd said that he has done a water flow scenario at Longview. He concluded that the watershed is about 78 acres that feeds down into Longview and noted that when the state had done their work on Rt. 394 they had also done a study and come up with the same figures. He said they had used a 54’ pipe to move water toward the lake from Rt. 394 and when it gets close to the lake in Longview it goes into a 40’ pipe and then an 18’ pipe across the road and then to a 6’ pipe. He said it is a strange setup and it is complicated by the fact that some of the pipe is located on private property. He discussed further alternatives in controlling the flooding there. He said they also have a project going on at Victoria that will require restructure of the road and installation of a sluice trap to prevent flooding.

TOWN BOARD
2/11/08

NANCY THOMAS, TOWN CLERK (copy of report attached)

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

MOTION #27 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 (copy of report attached)

MOTION #28 OF 2008

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

MOTION #29 OF 2008

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

MOTION #30 OF 2008

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

MOTION #31 OF 2008

ON A MOTION MADE BY MRS. WARD AND SECONDED BY MR. WHITNEY THE MEETING WAS ADJOURNED AT 10:45 PM.

Nancy M. Thomas
Town Clerk