

**TOWN OF NORTH HARMONY  
BOARD MEETING  
FEBRUARY 9, 2009 8:00 PM**

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<b>SALLY P. CARLSON, SUPERVISOR</b>	<b>PRESENT</b>
<b>RALPH WHITNEY, COUNCILMAN</b>	<b>PRESENT</b>
<b>ART THOMAS, COUNCILMAN</b>	<b>PRESENT</b>
<b>FRANK STOW, COUNCILMAN</b>	<b>PRESENT</b>
<b>RICHARD SENA, COUNCILMAN</b>	<b>PRESENT</b>

**OTHERS PRESENT:** Chris Humphrey, South & Center Sewer District; Barb Hoyt, AFD; Howard Peacock, Justice; Brad Lawson, Zoning CEO; Penny Best, Deputy Town Clerk; Ben Klein, P.J.; Nancy Thomas, Town Clerk

- **6:45 PM - REVIEW VOUCHERS**
- **7:00 PM – MEETING WITH RANDY GRAHAM, INS. AGENT**
- **PLEDGE**

- **MINUTES**

MOTION #16 OF 2009

ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. WHITNEY, THE MINUTES OF THE 1/12/09 BOARD MEETING WERE APPROVED UNANIMOUSLY.

- **CITIZEN COMMENT**

- **CORRESPONDENCE:**

1. **NYSORPS – Recertification of Randall G. Holcomb, Assessor**

2. **RESOLUTION FROM BOARD OF DIRECTORS SOUTH & CENTER SEWER DISTRICT ON EXTENSION OF SEWER TO CHAUTAUQUA & INTO ASHVILLE**

Mrs. Carlson said we have received resolutions on the above and also 3 sanitary projects that they have passed resolutions on. In addition to Ashville and the extension along the Southwest side of the lake there is one for Supervisory Control and Data Backup Acquisition and Pumping Station Backup Power; Treatment Works Equipment; and Sewer Reconstruction. She said these would be discussed under new business.

3. **MONTE KENNEDY, BLY HILL – Thank you to Snow Plow Drivers**

4. **WESTERN PA CONSERVANCY – Brokenstraw Creek Watershed Conservation Meeting 2/26/09 2 – 3:30 pm**

5. **GREG EDWARDS – CO. EXEC., Coal Ash**

Information was provided on the fly ash mishap that occurred in Tennessee where streams and ponds were polluted.

6. **TIME WARNER – RATE CHANGE Increases effective 3/1/09**

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### 7. JAMES R. SIPPOLA – Chautauqua Ave. at Cheney's Pt. resident

Mr. Sippola expressed concern about a large tree that appeared as if it would fall. Mrs. Carlson said Mr. Ryan has contacted our tree cutter and it will be taken care of.

### 8. NY ECONOMIC AND LAND DEVELOPMENT FORUM TOPICS

### 9. WETLANDS RESERVE PROGRAM

Mrs. Carlson said this program offers 3 options; landowner can put there land under the program for 10 years, 30 years or permanently. The incentive to do this would be a tax exemption.

### 10. NATIONAL FUEL – LIST OF EMERGENCY CONTACTS

### 11. CHAUTAUQUA CO. FINANCE – REPORT OF MONIES PAID TO SUPV. 2008 \$594,969.77

### 12. WASTE MANAGEMENT AND RECYCLING NEWSLETTER

### 13. NYS DOT – NOTIFICATION OF 30 MPH AREA SPEED LIMIT FOR SUNRISE COVE

## OLD BUSINESS:

- ADOPT SECONDARY STUDY ON ADULT ENTERTAINMENT

MOTION #17 OF 2009

MR. SENA MOTIONED TO ADOPT THE SECONDARY STUDY ON ADULT ENTERTAINMENT DOCUMENT AS RECOMMENDED BY THE PLANNING BOARD. MR. STOW SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- WIND ENERGY LAW – SEQRA HEARING SCHEDULED FOR TUES. 4/28/09 AT 7:00 PM

Mr. Sena said that the current copy of the law has some typographical errors and some location changes that need to be made but felt sure they would be addressed at tomorrow nights Planning Board meeting.

Mr. Stapleton said a Long Form SEQRA for the Wind Energy Law proposal would be necessary and then County Planning would have to be notified and receive a copy of the Law at least 30 days in advance for review and recommendation. He said that at that time a Public Hearing could be held at the same time as the SEQRA hearing if the board wished.

Mr. Sena said that two separate laws are included, one for residential use and one for commercial use. He asked if two separate hearings would need to be held.

Mr. Stapleton said he has not reviewed the law but the hearings could probably be combined.

Mrs. Carlson said the Planning Board should be involved at the SEQRA hearing and there was a lengthy discussion of possible dates.

*(Subsequent to the board meeting it was discovered that the Planning Board had scheduled the first public informational meeting on the Adult Entertainment District on 4/28/09 and the Wind Energy SEQRA hearing was tentatively rescheduled for Tuesday 4/21/09 at 7:00 PM.)*

- COLD WAR VETERAN'S EXEMPTION – PUBLIC HEARING SCHEDULED FOR MONDAY 4/6/09, 7:45 PM (Prior to regular Board Meeting)

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### **NEW BUSINESS:**

- **ADOPT 1/20/09 SOUTH & CENTER RESOLUTIONS (Copies of Resolutions included in Minute Book)**

**Chris Humphrey** representing South & Center Sewer District said because of the President's Economic Stimulus Plan which involves monies for infrastructure that is "shovel ready" the sewer district board has passed the following 5 resolutions: 1) Treatment Works Equipment for the 30 year old plant; 2) Supervisory Control and Data Acquisition (SCADA system) for collection of system info and projections and Pumping Station Backup Power; 3) Reconstruction of deteriorated portions of the Sewer System 4) Extension of sewer system to the hamlet of Ashville for the health and environment of the general area and 5) Sewer the southwest portion of the lake into the Town of Chautauqua, which would serve 782 homes and businesses.

**Ms. Humphrey** said South & Center has the capacity to serve the area because the sewer was built with the capacity of 4 million gallons per day in order to serve this area, although it was not included in the system 30 years ago because of funding issues. She said Greg Edwards, County Exec., has passed these resolutions onto the Governor for consideration. Ms. Humphrey said they would like to have the support of the Town for all of these resolutions to add weight to the package.

#### MOTION #18 OF 2009

**MR. THOMAS MOTIONED THAT THE TOWN OF NORTH HARMONY APPROVE AND SUPPORT THE SOUTH & CENTER SEWER DISTRICT RESOLUTION OF 1/20/09 TO EXTEND SEWER LINES TO THE HAMLET OF ASHVILLE. MR. STOW SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.**

#### MOTION #19 OF 2009

**MR. WHITNEY MOTIONED THAT THE TOWN OF NORTH HARMONY APPROVE AND SUPPORT THE SOUTH & CENTER SEWER DISTRICT RESOLUTION OF 1/20/09 TO EXTEND SEWER LINES ON THE SOUTHWEST SIDE OF THE LAKE INTO THE TOWN OF CHAUTAUQUA. MR. SENA SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.**

#### MOTION #20 OF 2009

**MR. THOMAS MOTIONED THAT THE TOWN OF NORTH HARMONY APPROVE AND SUPPORT THE SOUTH & CENTER SEWER DISTRICT RESOLUTIONS FOR 1) TREATMENT WORKS EQUIPMENT; 2) SUPERVISORY CONTROL AND DATA ACQUISITION AND PUMPING STATION BACKUP POWER AND; 3) SEWER RECONSTRUCTION. MR. SENA SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.**

- **APPOINTMENTS:**

#### MOTION #21 OF 2009

**ON A MOTION MADE BY MR. WHITNEY AND SECONDED BY MR. STOW, WILLIAM ADAMSON WAS APPOINTED TO THE ZONING BOARD OF APPEALS (Term 1/1/09 – 12/31/15). THE MOTION WAS CARRIED UNANIMOUSLY.**

## TOWN BOARD

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### MOTION #22 OF 2009

ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. THOMAS, DAVE LLOYD WAS APPOINTED AS AN ALTERNATE ON THE ZONING BOARD OF APPEALS TO FULFILL THE VACANCY LEFT BY WILLIAM ADAMSON (Term 1/1/09 - . **THE MOTION WAS CARRIED UNANIMOUSLY.**

**Mrs. Carlson** said that Mr. Holcomb has requested that Nancy Gleason be appointed to a one year temporary term on the Board of Assessment Review in order that two boards of 3 members each could be formed. Mr. Holcomb feels that with the 2009 revaluation this will be helpful because of the number of cases which will probably be filed.

### MOTION #23 OF 2009

ON A MOTION MADE BY MR. SENA AND SECONDED BY MR. WHITNEY, NANCY GLEASON WAS APPOINTED TO A ONE YEAR TEMPORARY TERM (1/1/09 – 12/31/09) ON THE BOARD OF ASSESSMENT REVIEW WITH THE CONDITION THAT SHE SERVE ON A SEPARATE BOARD THAN CRAIG GLEASON. **THE MOTION WAS CARRIED UNANIMOUSLY.**

- **TRIPOD ON LAKE – LIGHTED**

**Mrs. Carlson** said **Pete Sullivan** of Bemus would like to place a 12' lighted tripod on the lake beyond the lighthouse once the lake freezes next year. They would then sell tickets as to when the tripod sinks, moves, etc. as the ice goes and the money would be donated to charity. Mr. Sullivan has requested that the computer sensor be housed in the Lighthouse. Mrs. Carlson said apparently they do this in Alaska and a festival revolves around it. She said Mr. Sullivan is experimenting with this in front of his home this year and he has agreed to assume any liability. She said basically this would have nothing to do with the town other than using the lighthouse to house the computer sensor. She said Mr. Sullivan has the DEC permits to complete and just wanted to make the town aware of what he wants to do.

There was general discussion of the concept and the board decided to put off any decision until permits and more information are received.

- **REVIEW PROCUREMENT POLICY**

**Mrs. Carlson** said she has provided the board members with a copy of the town's procurement policy which was adopted many years ago. She said that it should be reviewed by the board for updates and adoption possibly at the March board meeting.

**Mr. Stapleton** noted that General Municipal Law allows up to \$20,000 on public works projects and \$10,000 on equipment before going into the competitive bids process. He said the new law effective 1/1/09 indicates that you have to place in the procurement policy the actual identity and title of the individual responsible for purchasing. This information has to be updated bi-annually according to General Municipal Law 104b. Mr. Stapleton noted that the current policy does not include dissemination of written RFP's even though the town is looking for formal written quotes. He also said they might want to add an indication that you do not have to go through the solicitation of written proposals if you are buying second hand goods from any source. He said the town might want to include that no portion of the content of the procurement policy will be construed as limiting the town if they want to go to competitive bids for costs below those indicated by General Municipal Law (prior to guideline #7). He indicated the policy must be reviewed annually and said he would provide the town with a draft.

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### MOTION #24 OF 2009

ON A MOTION MADE BY MR. WHITNEY AND SECONDED BY MR. THOMAS, THE UPDATE AND ADOPTION OF THE TOWN OF NORTH HARMONY PROCUREMENT POLICY WAS TABLED UNTIL THE 3/9/09 BOARD MEETING. THE MOTION WAS CARRIED UNANIMOUSLY.

- **RENEW SHARED SERVICES AGREEMENT**

**Mr. Ryan** said the town needs to renew its shared service resolution agreement.

### MOTION #25 OF 2009

ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. WHITNEY, THE TOWN OF NORTH HARMONY RENEWED THE SHARED SERVICE RESOLUTION AGREEMENT FOR THE YEAR 2009. A VOTE WAS TAKEN: MRS. CARLSON, YES; MR. STOW, YES; MR. THOMAS, YES; MR. WHITNEY, YES; MR. SENA, ABSTAIN. THE MOTION WAS CARRIED.

- **SEORA HEARING FOR CLMC PROJECTS AT CHENEY'S POINT AND STOW**

**Mr. Lloyd** said there are two projects; 1) Construction of a debris trap/control structure at Cheney's Point to create a wetland area and trap sediment before it goes to the lake 2) Water quality treatment unit to capture and treat storm water runoff (trash and hydrocarbons) from commercial parking areas (Hogan's Hut, Post Office, Veterinary Office and Town Building) before it reaches the watershed.

**Mrs. Carlson** said we have received approval for up to \$90,000 funding from bed tax monies. She said Rex Tolman has completed the SEORA forms.

### MOTION #26 OF 2009

ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. SENA A PUBLIC SEORA HEARING WILL BE CONDUCTED ON TUESDAY, 2/24/09, AT 7:00 PM ON THE CLMC PROJECTS PROPOSED FOR THE CHENEY'S POINT AND STOW AREA. THE MOTION WAS CARRIED UNANIMOUSLY.

- **SCHEDULE PUBLIC HEARING ON ADULT ENTERTAINMENT LAW (2/2/09)**

**Mrs. Carlson** said the Planning Board will hold informational meetings for the public to discuss the law in April and perhaps the public hearing could be held in May. She said she had provided residents of the proposed affected area with copies of the Secondary Study and law for their review.

- **SEORA HEARING FOR TOWN AND HIGHWAY BUILDINGS MONDAY 3/9/09 7:00 PM**

**Mrs. Carlson** said under the stimulus package she has applied for renovations to the town and highway building. She said this should be done so that if funding does become available the town will be in a good position to apply as a shovel ready project.

## **REPORTS:**

**JAY GOULD, LEGISLATOR (On Vacation)**

## **TOWN BOARD**

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### **RANDY HOLCOMB, ASSESSOR**

Mr. Holcomb's written report said that informal hearings on the 2009 assessments will begin on 3/23/09 and extend to 4/6/09. He said ORPS has indicated to expect 10% of the total parcels to schedule informal hearings. He said North Harmony's total parcel count is approximately 2,800 which would cause 280 hearings. He said his office is scheduling for 450-500 hearings, but hopefully they would not need that number of appointments. He said the new assessments are based on sales in the town through 7/2008, before the economy took a downturn and there are increases in assessments for all parcels but nowhere near the drastic increases of the 2006 revaluation. He said once the informal hearings have been reviewed, that will become the tentative roll on 5/7/09. Notices of results of the informal hearings will be mailed on 5/8/09 and Grievance Day is scheduled for 5/27/09. New assessments should be mailed to property owners by 3/6/09.

### **GARY RYAN, HIGHWAY SUPERINTENDENT**

**Mr. Ryan** said with the short break in the weather the highway department has been working on equipment maintenance.

**Mr. Stow** said he and Mr. Ryan had been discussing a tracking device and he has received a quote on the device which is used to track vehicle use.

**Mrs. Carlson** asked everyone to review the quote for discussion at the March board meeting.

### **HOWARD PEACOCK, JUSTICE (Copy of report included in Minute Book)**

**Mr. Peacock** said that court has been slow, last Thursday night the only cases were 2 vehicle and traffic, 1 small claim and 1 summary proceeding.

### **BRAD LAWSON, ZONING CEO (Copy of report included in Minute Book)**

**Mr. Lawson** said permitting is a little slower than usual. He said he had issued a permit for one new home in January to be built on Butts Road and one coming soon for Sunrise Cove. He said he had stopped at Ashville Bay where they are dredging the creek. He expressed concerns for the deep pit that has been dug with mounds of silt around it in relation to the coming forecast for rain. He said he would contact the DEC about this environment and safety issue.

### **DAVE LLOYD, STORMWATER PLANNING**

**Mr. Lloyd** said he had talked with Mr. Ryan and they would be getting the Victoria Road project sign up sometime this week. He said he has been working on plans for ditch lines, especially on Bly Hill Road to slow the speed and velocity of the water coming downhill.

### **NANCY THOMAS, TOWN CLERK (Copy of report included in Minute Book)**

**Mrs. Thomas** said the clerk's office has been very busy for the past month with tax collection. The amount collected at this time is \$1,342,395.00 of the warrant amount of \$3,103,594.00.

**Mrs. Carlson** asked why vouchers had been issued for all of the organizations when the warrant funds have not been received.

**Mrs. Thomas** said she had issued the vouchers because the check for the warrant would be issued to the supervisor in a couple of days.

**Mrs. Carlson** said ordinarily the funds are not sent until the warrant is fulfilled.

**Mr. Whitney** asked if the clerk's office would be open on 2/11/09 (last day to pay without penalty).

**Mrs. Thomas** said the office would be closed as stated on the tax bill but she would accept payments on 2/12/09 without penalty.

**TOWN BOARD**

**2/9/09 (Pg. 7)**

MOTION #27 OF 2009:

MR. STOW MOTIONED THAT THE TOWN CLERKS REPORT BE ACCEPTED AS PRESENTED. MR. SENA SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

**SUPERVISOR, SALLY P. CARLSON: (Report in Minute Book)**

MOTION #28 OF 2009:

MR. THOMAS MOTIONED THAT THE SUPERVISOR'S REPORT BE ACCEPTED AS PRESENTED. MR. SENA SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

MOTION #29 OF 2009:

MR. STOW MOTIONED TO PAY THE GENERAL FUND BILLS AS AUDITED AND REVIEWED. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

MOTION #30 OF 2009:

MR. WHITNEY MOTIONED TO PAY THE HIGHWAY FUND BILLS AS AUDITED AND REVIEWED. MR. THOMAS SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

MOTION #31 OF 2009:

MR. STOW MOTIONED FOR ADJOURNMENT AT 9:10 PM. MR. THOMAS SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

*Nancy M. Thomas*  
*Town Clerk*