

**TOWN OF NORTH HARMONY PUBLIC HEARING
LOCAL LAW NO. 1-09 ADOPTING THE COLD VETERANS' EXEMPTION
FOR TOWN REAL PROPERTY TAXES
MONDAY, 4/6/09 7:45 PM**

OTHERS PRESENT: Everett Bensink, Howard Peacock, Justice's; Gary Ryan, Highway Sup't.; Brad Lawson, Zoning CEO; Dave Lloyd, Stormwater Planning; Jay Gould, Legislator; Phil Strand, Richard Pacitti; Barb Hoyt, AFD; John Auflick; Penny Best, Deputy Town Clerk; Sharon Turano, P.J.; Tom and Julie Lescynski, Nancy Thomas, Town Clerk

Mrs. Carlson brought the public hearing to order at 7:45 PM.

Mrs. Carlson said this exemption was passed by the County on 1/1/09 to cover veterans who do not qualify for exemptions under previously enacted exemption laws. The exemption for Cold War Veterans will be 15% of the assessed value of qualifying residential real property not to exceed \$6,000 for a Cold War Veteran and not to exceed \$20,000 for a Cold War Disabled Veteran. The exemption will be effective on the next taxable status date of 3/1/2010.

Mr. Lescynski asked about the already existing exemptions that cover \$6,000 and \$10,000.

Mrs. Carlson said those covered veterans that had served in a war zone and is already effective.

Mr. Gould said he thinks the Cold War Veterans' Exemption has to be renewed every 10 years. He said it covers military actions after Vietnam through the Gulf War.

Mrs. Thomas said once a person becomes established as eligible for an exemption (i.e. Enhanced Star, etc.) the Assessor's office sends a renewal reminder and she assumes he will do this for the Cold War Veterans' exemption.

John Auflick asked what years are covered.

Mrs. Carlson said she is sure that Mr. Holcomb can supply the dates covered to him.

Mrs. Carlson closed the hearing at 7:51 PM.

**TOWN OF NORTH HARMONY
TOWN BOARD MEETING
MONDAY, 4/6/09, 8:00 PM**

SALLY P. CARLSON, SUPERVISOR	PRESENT
RALPH WHITNEY, COUNCILMAN	PRESENT
ART THOMAS, COUNCILMAN	PRESENT
FRANK STOW, COUNCILMAN	PRESENT
DICK SENA, COUNCILMAN	PRESENT

OTHERS PRESENT: Everett Bensink, Howard Peacock, Justice's; Gary Ryan, Highway Sup't.; Brad Lawson, Zoning CEO; Dave Lloyd, Stormwater Planning; Jay Gould, Legislator; Phil Strand, Richard Pacitti; Barb Hoyt, AFD; John Auflick; Penny Best, Deputy Town Clerk; Sharon Turano, P.J.; Tom and Julie Lescynski, Nancy Thomas, Town Clerk

- PLEDGE
- MINUTES

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MOTION #51 OF 2009

ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. SENA, THE MINUTES OF THE 3/9/09 BOARD MEETING WERE ACCEPTED AS SUBMITTED BY THE TOWN CLERK UNANIMOUSLY.

● **PUBLIC COMMENT:**

JOHN AUFLICK – Fallen Tree on Highway Dept. Land

Mr. Auflick said there is a fallen tree in the woodlot by the Highway Garage and he wants permission to cut it for firewood.

Mr. Sena said actually the tree is on his land and he would talk to him later about it.

● **CORRESPONDENCE:**

Mrs. Carlson said the following correspondence is available for review:

1. **TIME WARNER CABLE – Franchise Fees \$6,449.91**
- New ownership

Letter received that there is now a spin off of Time Warner Cable and they are going to institute changes that will include increased late fees. More channels have been dropped.

2. **NENANA ICE CLASSIC (ALASKA)**

Information available regarding the tripod on the lake used to determine when the ice leaves.

3. **ACCESS CH5 MINUTES**

4. **E&M ENGINEERS – geogrids**

5. **URBAN ENGINEERS**

6. **BS & K – New Rules for Non-Unions**

Comments on notification of employee rights under the federal law and new postings that may impact the town eventually.

7. **CAPITOL – NY CAPITOL NEWS**

8. **SUPERVISOR’S ANNUAL REPORT – Completed and filed with State Comptroller**

9. **CHAUTAUQUA CO. “LIGHT THE LAKES FESTIVAL” – To be held on 9/6/09**

10. **CHAUTAUQUA CO. NY FIRE SERVICE – Article on Ashville, Bemus-Dewittville Fire Dept’s. and their help with the ice boat that went through the ice on the lake 3/1/09**

11. **NYS ASSOCIATION OF COUNTIES – New initiative on stimulus for Green Projects - Applications must be received by 5/9/09**

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12. **PHIL STRAND – Letter in opposition to proposed variance application of Scott Sampson to construct self-storage units at property located at corner of Rt. 394 and Wells Bay Road (copy of letter included in minutes)**

Mrs. Carlson said the matter is before the Zoning Board of Appeals and the Town Board does not vote on that issue.

Mr. Strand said he had sent the letter to the ZBA also and asked that the letter be read into the record.

Mrs. Carlson and Mr. Whitney complied.

13. **LETTER FROM JILL JARRETT regarding tax bill (copy of letter included in minutes)**
Mrs. Carlson read the letter for the record.

- **OLD BUSINESS:**
- **ADOPTION OF LOCAL LAW NO. 1-09 – COLD WAR VETERANS' EXEMPTION**

MOTION #52 OF 2009

ON A MOTION MADE BY MR. THOMAS AND SECONDED BY MR. SENA THE COLD WAR VETERANS' EXEMPTION WAS ADOPTED EFFECTIVE 3/1/2010, AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **MAC – GPS SYSTEM FOR HIGHWAY TRUCKS**

Mr. Stow said cost information for the GPS system has been provided to the board and asked if Mr. Ryan wanted to pursue purchasing the equipment. Mr. Stow said the information was for two different systems. One is called Real Time and to hook up 4 trucks would cost \$1,876.00, plus a monitoring fee of up to approximately \$80/month. He said the other system would cost \$3,700.00 and the information is downloaded directly onto a computer with no monitoring fees. He said if Mr. Ryan was interested he would pursue it.

Mr. Ryan said he did not feel it would be worth the money at this time. He said it is more suited to a trucking firm. He said normally there are no problems with vehicle use and location at the department.

- **TOWN OF NORTH HARMONY PROCUREMENT POLICY**

Mrs. Carlson said Mr. Stapleton has made the changes to the procurement policy as previously discussed. The changes included: \$1.00 - \$3,000.00 at the discretion of the purchasing authority; \$3,001.00 - \$6,000.00 a written detailed request shall be made by the purchasing authority seeking documented telephone quotes from at least two separate vendors; \$6,001.00 - \$9,999.00 a written detailed request for proposals shall be publicly issued by the purchasing authority seeking responses of written sale; \$10,000.00 and above, a written detailed request for proposal shall be publicly issued by the purchasing authority seeking sealed bids from at least 3 separate vendors.

MOTION #53 OF 2009

MR. WHITNEY MOTIONED THAT THE TOWN PROCUREMENT POLICY AS REVIEWED AND UPDATED BE ADOPTED. MR. THOMAS SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

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- **HIGHWAY BUILDING – BOND RATE – RESOLUTION FOR INTENT TO BOND**

Mrs. Carlson said there have been meetings to discuss the highway building and the need for a new building. She said the condition of the building is deplorable. She said they have met with Rex Tolman and he will be getting proposals for the job. She said she has contacted Doreen Sixby, M&T Bank, and a 5 year Bond Anticipation Note interest rate is currently approximately 5% (variable). She said the bond amount would be approximately \$300,000.00 and it may be less if unexpended balance is used. Mrs. Carlson stated that she is a little reluctant about this due to the current economic condition, but the town is in extremely good shape. She said a lot depends on what happens with sales tax revenues. She said to be cautious, bonding the entire amount might be the best idea. She said the new building would be adjacent to the current site. Using part of the old building as a welding shop and increasing ease of access to the transfer station are ideas being discussed.

- **SOUTH & CENTER SEWER**

Mrs. Carlson said a letter will be going out Monday, 4/13/09. She said the area to be served will include parts of Ashville and Busti. The purpose of the income survey is to support eligibility for funding. She hopes residents of Ashville will attend the 4/23/09 meeting.

Mr. Pacitti asked about the status of the Comprehensive Plan and if it would include the proposed new highway building and the sewer in Ashville.

Mrs. Carlson said the area of Ashville under discussion is already in the South & Center Sewer District but was never served because funding ran out. She said the income survey is an avenue for funding based on USDA and NYS Environmental Facilities Corp. She said the other area discussed for sewer along the lakeshore is something that will depend on stimulus funding. She said if we don't get stimulus funding for that one it will not happen.

Mr. Pacitti asked where we are on the Comprehensive Plan.

Mrs. Carlson said the Comprehensive Plan is getting closer to completion. The information from the surveys has been compiled and the Planning Board continues to work on it. She said as far as the highway building goes, it is nothing different than building a building that will house the equipment that the town has.

- **CHAUTAUQUA LAKE MGMT. COMMISSION (CLMC) – COMPREHENSIVE PLAN FOR THE LAKE**

Mrs. Carlson said a CLMC meeting had been held last Wednesday. She said they have studied the various watersheds. She said they had gone to the head waters of the various creeks and followed them to determine where problem areas are. She said Wade Morse, Gary Ryan, Dave Lloyd, and she had gone down to the bridge pylon by Ball Creek and discovered that erosion has advanced to the approximate equivalent of 3 traffic lanes. Mrs. Carlson suggested sending a letter and photos to Congressman Brian Higgins.

Mr. Lloyd said it is not too farfetched to believe that a few years down the road that stream will move to the other side of the bridge and cause further hazardous conditions.

Mr. Whitney suggested that it might be a good idea to send letters to our U.S. Senator's as well. The board agreed. **Mrs. Carlson** said she would take care of it.

Mrs. Carlson said the CLMC will hold another meeting on Wed., 5/13/09, and they would like everyone to attend. The topic of discussion will be the Comprehensive Plan for the Lake and sub-aquatic vegetation plan.

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- **LOOMIS BAY WATER DISTRICT – BOND ANTICIPATION NOTE**

MOTION #54 OF 2009

ON A MOTION MADE BY MR. WHITNEY THE 2009 BAN ON THE LOOMIS BAY WATER DISTRICT FOR \$53,500.00 WAS PAID IN THE AMOUNT OF \$11,070.95 (PRINCIPLE \$9,500/INT. 1570.95) AND RENEWED EFFECTIVE 4/3/09, IN THE AMOUNT OF \$44,050 (INT. RATE 3.92%) MATURING 4/2/10. MR. THOMAS SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **NEW BUSINESS:**

- **REGNER PROPERTY PURCHASE – Amend 2009 Budget – Add \$20,000 unexpended balance to Parks A7110**

Mrs. Carlson said the Regner property on Stow Ferry Road has come up for sale. She said the original asking price was \$25,000 for the 1 acre lot with well and septic. She said it is one of the few remaining properties in the area that would be suitable for a museum. She said the Planning Board and Dudley Breeds had suggested that the town appeal to small businesses and small attractions for tourists along the Stow corridor. Mr. Carlson proposed that the town purchase the Regner property and put in a small municipally operated museum for Indian artifacts and nautical history artifacts from our area.

Mr. Whitney noted that this would be taking another piece of property off the tax rolls. He said he is comparing it more to the Mitchell property that the town purchased.

Mrs. Carlson said yes, but noted that the Mitchell property has not been removed from the tax roll because we are renting the property out at this time.

Mr. Thomas said since there is not building on the Regner property, the only thing that would be off the tax roll is the land and the taxes would not be very much.

Mrs. Carlson said if the town pays \$20,000 for it the taxes would be about \$460.00 per year.

Mr. Sena said he thought the town could market the property to a small business on the contingency that so many square feet be used as a museum. He said in that way it could perhaps draw business and promote the area as well as return the property to the tax roll. He said he would like to see it back on the tax roll eventually.

There was general discussion of the uses available for the property.

MOTION #55 OF 2009

MRS. CARLSON MOTIONED THAT THE TOWN PURCHASE THE REGNER PROPERTY LOCATED ON STOW FERRY ROAD AT A COST OF \$20,000.00. MR. SENA SECONDED PROVIDED THERE IS A STIPULATION ADDED TO MARKET THE PROPERTY. A ROLL CALL VOTE WAS TAKEN: MR. THOMAS, YES; MR. WHITNEY, NO; MRS. CARLSON, YES; MR. STOW, NO; MR. SENA; YES (PROVIDED THE PROPERTY IS MARKETED). There was discussion and Mr. Thomas said he was comfortable with the idea of purchasing the property and marketing it.

THE MOTION WAS CARRIED BY A VOTE OF 3 YES; 2 NO.

- **GENERATOR BACK-UP – ADVERTISE FOR BIDS**

Mrs. Carlson said she had received a quote from Mike Gleason in the amount of \$6,365.00 for a backup 16 kilowatt generator (includes auto switchover to natural gas \$4,150.00; transfer switch is

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\$1,350.00; installation \$800.00, inspection \$65.00) for the town building. She said because the cost exceeds the amount in the procurement policy the town will need to advertise for bids. Purchase was tabled until specifications are established and bids are received.

- **TIRE AMNESTY – July 1-13, 2009 or until Limit of 650 tires (limit of 10 tires per resident)**

Mrs. Carlson asked Sharon Turano, Post Journal if she would place a notice in the paper. Ms. Turano agreed. There was discussion of businesses bringing in tires and Mr. Ryan stated that the issue has been brought up at Highway Superintendent's meetings. Business use of amnesty is prohibited.

Mrs. Thomas said notice has been placed on the town's website.

- **TOWN OF NORTH HARMONY WEBSITE**

Mrs. Carlson said the new town website is up and thanked E. Gleason Design and Mrs. Thomas for their work. She encouraged everyone to log on at www.townofnorthharmony.com and view the site.

- **2009 TOWN/CNTY. TAX COLLECTION REPORT**

Mrs. Thomas reported on tax collection for 2009. She said the roll would be returned to the county on 4/17/09.

2009 Warrant:	\$3,103,594.72	2008 Warrant:	\$2,830,112.75
2009 Unpaid:	\$ 253,008.25 (8.86%)	2008 Unpaid:	\$ 181,896.82 (6.42%)

- **HIGHWAY PURCHASE - TRAILER FOR PORTABLE WELDER GENERATOR AND AIR COMPRESSOR**

Mr. Ryan he would like to purchase the trailer from Mr. Eddy for \$300.00.

MOTION #56 OF 2009

ON A MOTION MADE BY MR. THOMAS AND SECONDED BY MR. WHITNEY A TRANSFER IN THE AMOUNT OF \$300.00 FROM HIGHWAY FUND MACHINERY 5130.4 TO MACHINERY 5130.2 WAS AUTHORIZED FOR THE PURCHASE OF A TRAILER FOR EQUIPMENT TRANSPORT. THE MOTION WAS CARRIED UNANIMOUSLY.

- **FRANK STOW – COMMERCIAL DRIVERS LICENSE**

Mr. Stow said currently the CDL license requirements for the Fire Service states that department members can drive a department truck to an emergency response scene, but they are not legal without a CDL license to return the vehicle to the station. He said there is a bill introduced in the legislature that would exempt all fire apparatus and CDL requirements for fire department members. He asked the town to authorize a letter to Cathy Young, Bill Parment and Joseph Giglio requesting that the bill be amended.

MOTION #57 OF 2009

ON A MOTION MADE BY MR. WHITNEY AND SECONDED BY MR. SENA IT WAS RESOLVED THAT THE TOWN OF NORTH HARMONY SEND A LETTER ENCOURAGING ELECTED REPRESENTATIVES TO SUPPORT ASSEMBLY BILL I A6051 AND SENATE BILL

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S1624-A TO AMEND THE LAW TO EXEMPT ALL FIRE APPARATUS FROM THE CDL REQUIREMENTS. THE MOTION WAS CARRIED UNANIMOUSLY.

- **RICHARD SENA – TREE DAMAGE TO DITCHES FROM TRIMMING/BRUSH DUMP/ JUNK CARS, ETC.**

Mr. Sena said residents had contacted him about a private contractor (Taylor?) cutting trees on Saturday that had come down and leaving branches and debris in the ditches and close to the road. He said this had occurred at the Thayer residence on Butts Road.

There was general discussion of the problem and it appears to be widespread in the county. There was discussion as to enforcing these companies (private and National Grid) clean up and removal of their debris.

Mr. Sena asked if perhaps the town could have a “Brush Dump Day” once a month in order to allow residents a chance to get rid of their brush.

Mrs. Carlson said someone would have to be there to man it because of past misuse.

It was noted that Rob Yates had agreed previously to take yard waste and Mr. Sena said he would check with him.

Mr. Sena said to Mr. Lawson the junk car situation is getting worse. He asked how the town could enforce the junk vehicle law.

Mrs. Lawson asked for locations.

Mr. Sena said on Butts Rd. (Duane’s old place) and Hagg’s and Castor’s seems to be getting steadily worse rather than better. He said we really need to clean up the community.

Mr. Lawson said he will check into it. He said he had a letter in the computer to Castor’s citing their general disarray. He said he would send letters to the other locations discussed.

Mr. Pacitti said Butts Rd. has numerous junk vehicles and perhaps property value assessments should be lowered to reflect this. He asked what the point of Zoning if it is not enforced and properties are devalued because of non-compliance with the law.

- **REPORTS:**

JAY GOULD, LEGISLATOR:

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

- Appointments to the following boards: County Planning; Southern Tier R.R. Authority; Farm Land Protection Board; Parks Commission; Sports Fishery Board, Lisa Green and Craig Robbins; Airport Commission; Chautauqua Community Services Board; Fire Advisory Board, Mike Gleason and Al Hamm; Traffic Safety Board
- Resolution for consolidation of the AG Districts from 13 to 8 districts. He said the majority of consolidations were along Lake Erie.
- Chautauqua Co. Visitors Bureau given permission to apply for matching funds from a NYS Grant in the amount of \$453,750.00.
- To celebrate Earth Day (4/19-5/9/09) community and civic groups may take roadside trash to the county landfill free of charge. Appointments must be made at landfill one week in advance.
- French Creek has contracted with the Sheriffs Dept. for a court officer.
- Budget adjustments made at the County Home for a savings of \$441,639.00.
- He said he expects that the elimination of health insurance for legislators will probably pass next month. He said it would save a little less than 2% per \$1,000 in evaluation.

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GARY RYAN, HIGHWAY SUPERINTENDENT:

Mr. Ryan said the highway department has been ditching, cutting trees and replacing sluice pipe.

HOWARD PEACOCK/EVERETT BENSINK, JUSTICES: (copy of report included in Minute Book)

Mr. Bensink said two new phone lines for the court will be installed on Wednesday. One will be a phone line and the other a fax line for the courts exclusive use.

Mr. Sena noted that revenues for the court are down \$26,000 the last 3 months compared to last year.

Mr. Thomas noted that revenues usually decrease during the winter.

Mr. Bensink said that due to the economy a lot of people are not paying their fines.

BRAD LAWSON, ZONING CEO: (copy of report included in Minute Book)

Mr. Lawson said he has issued a violation notice on a property located at Cheney Rd., for burning and junk vehicles. He said there are 3 new homes under construction and he is taking more phone calls regarding building permits. He said Phillips/Lytle, Adam Walters, contacted him about the cell towers located on Randolph Rd. and at Tri-James. Cellular One has been bought out by Alltel and they want to make some antenna changes at the sites. Mr. Lawson said he is still working on the zoning amendments on the lot size requirement for the Planning Board and will have them ready for the PB May meeting. He said Caster's has been cleaning by the creek and they said they want to put a tank for water there. He said they told him initially they were going to put in a 4,000 gal. tank and include a dry hydrant for the AFD. Mr. Lawson said he told them they would need to put up silt fence and would have to meet all regulations, etc. Mr. Lawson said the AFD said Mr. Caster had approached them last year about this and it was only a 1,000 gal. tank and it was broken septic tank that would allow water to come into or be routed to the tank. Mr. Lawson said he has sent a letter to the Caster's and copied it to Mrs. Carlson. Mr. Lawson said he continues to work with Caster's and the DEC and maybe the fencing issue can be resolved soon.

Mr. Sena noted that when Caster's had originally applied to have their business located at the site, they had agreed to keep the premises in a pristine fashion.

Mr. Lawson said he would mention that to them.

DAVE LLOYD, STORMWATER PLANNING:

Mr. Lloyd said Mr. Tolman is having more survey work done at Cheney's Pt. because he needs more information for projections. He said the Stow Area project the highway has marked out where Dig Safely needs to come in and mark electric, gas lines, etc. Survey work will be done next week. He said he has been working on a drainage system for the Ferry area and they want to make a flow through at the ferry entrance. He said he would like to see some plans on that (i.e. how far they will extend back and what they intend) before he completes the calculations and gives them to Mr. Tolman. Mr. Lloyd said the CWC is concerned about a section of watershed on Wall St. which has silt running down it between Donelson and Eiden Roads. He said the hill was rebuilt about 2005 and the small amount of silt going down the creek goes down behind the Deratt's and into a couple of beaver dams which are good filtration. He said this is not high on the priority list but may have to be addressed in the future. He said he is working with Mr. Ryan on ideas for ditch work on Bly Hill, Stoneledge and Wells Bay Roads.

Mrs. Carlson said applications for CLMC funding with the 2% bed tax must be filed by 6/1/09 and can be located on the County website. She said there is another grant for tourist initiatives from the 3% bed tax available also.

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

Mrs. Thomas said she had nothing to add to her monthly report.

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MOTION #58 OF 2009

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

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

MOTION #59 OF 2009:

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

MOTION #60 OF 2009:

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

MOTION #61 OF 2009:

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

MOTION #62 OF 2009:

MR. STOW MOTIONED FOR ADJOURNMENT AT 9:30 PM. MR. SENA SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

Nancy M. Thomas
Town Clerk