

**TOWN OF NORTH HARMONY
BOARD MEETING
MONDAY, June 8, 2009 8:00 PM**

SALLY P. CARLSON, SUPERVISOR	PRESENT
RALPH WHITNEY, COUNCILMAN	PRESENT
ART THOMAS, COUNCILMAN	PRESENT
FRANK STOW, COUNCILMAN	PRESENT
DICK SENA, COUNCILMAN	PRESENT (8:30 PM)

OTHERS PRESENT: Jay Gould, Legislator; Dave Lloyd, Storm Water Planning; Brad Lawson, Zoning CEO; Dave Stapleton, Attorney; Howard Peacock, Justice; Robin Miller, Bookkeeper; Sharon Turano, P.J.; Gary Ryan, Highway Sup't.; John & Penny Best; Nancy Thomas, Town Clerk

- **PLEDGE**

- **ANNOUNCEMENTS:**

Mrs. Carlson thanked Art Thomas, Nancy Thomas, Mac & Ellie McNeill and Marlene Miller for their help with the breakfast for the French and Indian Portage Reenactment at Lighthouse Park.

Mrs. Carlson thanked Art and Nancy Thomas and Rene Yates for their help at the Memorial Day Service at Veteran's Park. She noted that this year there were approximately 40 people at the service.

- **MINUTES:**

Frank Stow noted a correction to page 6 of the 5/11/09 minutes. *B.O.C.E. corrected to read B.O.C.E.S.*

MOTION #88 OF 2009

ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. WHITNEY, THE MINUTES OF THE 5/11/09 TOWN BOARD MEETING AND THE MINUTES OF THE PUBLIC HEARING ON WIND ENERGY AND ADULT ENTERTAINMENT 5/26/09 WERE ACCEPTED. **THE MOTION WAS CARRIED UNANIMOUSLY.**

- **CORRESPONDENCE:**

1. **SEQR LEAD AGENCY:**

- **NYS DEC – LAKESHORE**
- **NYS DEC – ASHVILLE & SCSD (COPY)**
- **AG & MARKETS**

Mrs. Carlson said there has been no objection to the town taking lead agent status for the proposed sewer district along the lake.

2. **ASSOCIATION OF TOWNS – 8/7/09, ECC Campus, Planning & Zoning School**

3. **U.S. POSTAL SERVICE – No commemorative stamp for Stow Ferry**

Mrs. Carlson said we had received a no response from the U.S. Postal Service on the commemorative stamp for the Stow Ferry. She said she would like to pursue a postmark for both Bemus Pt. and Stow to celebrate the 200th anniversary (2011) of the ferry. She said perhaps holding a design/drawing contest for the postmark would be a good way to get the public involved.

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4. **NYS COMPTROLLER – Local Gov’t. Leadership Inst. 8/14-15/09**
5. **M&T BANK – Cancelled 2008 Bonds for Loomis Bay Water Dist.; Mitchell Property; BOCES/Sunrise Cove Water Dist. received and on file**
6. **ANONYMOUS LETTER – Concerning Fire Dept.**
Mrs. Carlson said the anonymous letter concerning the Fire Department has been forwarded to the Fire Commissioners because it concerned personnel.
7. **LETTER RE VOTING MACHINES – Sent to County stating intent to retain machines at the Town offices**
Mrs. Thomas sent a letter to the Election Commissioners requesting that the town retain its two voting machines.
8. **CHAUTAUQUA CO., WENDY STRAIGHT - Volunteer’s for Historic Structures**
Mrs. Carlson said Ms. Straight is asking for historic sites in the town that were on the 1854 wall map. She asked Mrs. Best to look it over. She said both the Butler’s and Fisher’s homes should be on it. She said there is a copy of the map in the back room and asked Mrs. Best to look it over.
9. **NYS RETIREMENT - \$6,278.00**
Mrs. Carlson said there will be an additional charge over the amount allocated (\$6,278.00) from NYS Retirement because of the inclusion of Mrs. Stow who was previously in the system and is trying to get caught up. She said this will have to be addressed in the fall budget process.
10. **TIME WARNER – Franchise Fees received \$1,381.27**
11. **CHAUT. CO. DPF - 45 mph speed limit request Stow Rd. CR-16 (Rt. 394 to Morley Rd.) approved**
12. **NYS DOS – Cold War Veteran’s Exemption (Local Law #1-09) received and filed on 5/21/09**
13. **FLEXCARE EMPLOYEE BENEFITS**
Mrs. Carlson said they are working with the State Legislature to pass legislation allowing municipalities with less than 50 employees to join together for the purpose of purchasing health insurance. She said they are asking for the towns support and County Executive Edwards has already given his support to the program.

MOTION #89 OF 2009
ON A MOTION MADE BY MR. THOMAS AND SECONDED BY MR. WHITNEY THE TOWN OF NORTH HARMONY AUTHORIZED SUPPORT OF FLEXCARE BENEFITS PROPOSAL TO CREATE A GROUP INSURANCE PLAN FOR MUNICIPALITIES WITH LESS THAN 50 EMPLOYEES FOR THE PURPOSE OF PURCHASING HEALTH INSURANCE. THE MOTION WAS CARRIED UNANIMOUSLY.
14. **CHAUTAUQUA CO. MORTGAGE TAX RECEIVED \$21,378.08 (down \$5,310.32 from 2008)**
15. **NEWSLETTERS: Erie Life, Capital News, E&M Engineers and Surveyor’s**

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Mr. Thomas noted there is an article in Erie Life about the 8 women who have gone missing in Chautauqua County over a period of years.

- **OLD BUSINESS:**

- **ADULT ENTERTAINMENT**

Mrs. Carlson said in response to the referral to Chautauqua Co. Planning for review and recommendation we have received a letter from Doug Jacobs stating that the proposal is a matter of local concern. She said Mr. Jacobs noted on page 5. B (2)(a) Class II Adult Use Regulations, there has been a change in the location of the district which should be revised in the law document.

MOTION #90 OF 2009

MR. WHITNEY MOTIONED TO ADOPT LOCAL LAW NO. 3 – 2009 GOVERNING ADULT ENTERTAINMENT IN THE TOWN OF NORTH HARMONY WITH THE FOLLOWING REVISION TO PAGE 5. (B)(2)(a) Class II Adult Uses shall be permitted in the Adult Use Overlay District. The boundaries of said district shall parallel the south side of County Route 18 in depth of 500 feet from the centerline between Havercamp Road and Stebbins Road. MR. THOMAS SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. Lawson commented that several residents had spoken to him and commended the town on taking action on this once they understood what was going on. He said the informal public meeting had helped them understand the ramifications of not taking any action as opposed to being proactive on Adult Entertainment.

- **SEWER ON SOUTHWEST SIDE OF LAKE – EXPENDITURE COMMITMENT 50 VIEWSHED NOT 200**

Mr. Stapleton said the resolutions that were reviewed at the work session and that the board has in front of them today essentially authorize entry into a contract with Tolman Engineering to create a map, plan and report for the proposed sewer district which he anticipates will have the same boundaries as Water District 3 that the town previously passed. He said the contract will be up to a maximum of \$30,000.00. He said the second resolution is to hire Kucera, International, Inc. to create the enhancement of the aerial photographs which were previously taken to create a Lidar survey and monumentation document to facilitate Tolman Engineering in locating the various topographical elevations for the proposed improvements in the future should funding become available. Kucera's portion of the contract will be up to a maximum of \$29,235.00. Mr. Stapleton said both resolutions are subject to permissive referendum. He said the town would have to provide the petitions upon request and signatures would be from at minimum 5% of qualified electorates based on the last gubernatorial election. He said there is a 30 day time period on permissive referendum from the date the resolution is passed.

Mrs. Carlson asked if the notice should be posted anywhere other than the newspaper.

Mr. Stapleton said it could be posted at the town building and the post office.

MOTION #91 OF 2009

MR. WHITNEY MOTIONED TO ADOPT THE FOLLOWING RESOLUTION AUTHORIZING THE TOWN OF NORTH HARMONY TO ENTER INTO AN AGREEMENT WITH TOLMAN ENGINEERING, PLLC TO PROVIDE A SANITARY SEWER MAP, PLAN AND REPORT NOT TO EXCEED \$30,000.00 AND AN AGREEMENT WITH KUCERA INTERNATIONAL, INC. TO PROVIDE AN ENHANCED AERIAL PHOTO AND LIDAR STUDY NOT TO EXCEED \$29,235.00 TO SEWER THE SOUTHWEST PORTION OF CHAUTUAQUA LAKE AND ROUTE 394. THE RESOLUTION IS SUBJECT TO PERMISSIVE REFERENDUM ACCORDING TO TOWN LAW SEC. 209-b. MR. STOW SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution

Town of North Harmony

Whereas, the Town of North Harmony has entered into an agreement with the South and Center Chautauqua Lake Sewer District to provide for the availability of sewer service from a Sewer District to be formed within the Town, and

Whereas, the Town has tentatively determined that a sewer district encompassing an area of the Town not within existing South and Center Chautauqua Lake Sewer Districts to be established with identical boundaries as previously established for the Town Water District #3 is the most cost effective way to provide a structure of the implementation of the agreement with the South and Center Chautauqua Lake Sewer District and the provision and future extension of service within such area, and

Whereas, Town Law §209-c requires that the formation of such district be based upon a Map, Plan and Report, now therefore be it

Resolved, that, pursuant to Town Law §209-b, subject to permissive referendum, the Town of North Harmony authorizes the entry into an agreement with Tolman Engineering, PLLC to prepare a Sanitary Sewer Map, Plan and Report and related Environmental Assessment Form and assistance in compliance with the State Environmental Quality Review Act for the formation of a sewer district and appropriates an amount not to exceed \$30,000.00 to pay the cost of preparing such Sanitary Sewer Map, Plan and Report, and be it further

Resolved, that, pursuant to Town Law §209-b, subject to permissive referendum, the Town of North Harmony authorizes the entry into an agreement with Kucera International Inc. to prepare an enhanced Aerial Photo and Lidar Survey, Monumentation and Control Survey in conjunction with studying the aforesaid proposed Sanitary Sewer District and project along NYS Route 394 and the southwest boundary of Chautauqua Lake and appropriates an amount not to exceed \$29,235.00 to pay the cost of such enhancement, and be it further

Resolved, that the Town Clerk shall post and publish notice of the adoption of these Resolutions pursuant to Town Law Section 90.

- **COUNT OF ASHVILLE RESPONSES TO SEWER QUESTIONNAIRE**

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Mrs. Carlson said Mrs. Thomas had counted the responses received on the Ashville straw vote. She said there are 82 in favor of both sewer and water; 6 in favor of sewer; 12 in favor of water; 38 who wanted neither; 6 wanted no water; 8 wanted no sewer. Totals are 88 yes to sewer and 46 no to sewer. She said it is necessary to have at least 36 more income responses for the Ashville area. She said we do have a list of persons who have not yet submitted the questionnaire and suggested hiring someone at a cost not to exceed \$400.00 to do this. She said the SCS D has expended the majority of the money to do this project. She said they would like to have someone local to do the door to door canvas.

Mr. Stow asked what the survey contained.

Mrs. Carlson said it is an income survey and it is sealed. She said the town never sees the information. It goes to New England and then is sent to the U.S.R.D.A. where the information is tabulated to determine eligibility for funding.

Mr. Gould said funding eligibility is based on income.

Mrs. Carlson said that is why it is important to get the last 36 applications completed. She said the town has already born the cost of the mailings.

Mr. Whitney asked if this was a separate action from the lake shore sewer.

Mrs. Carlson said yes, they are two separate issues/projects.

Councilman Sena arrived at 8:30 PM.

MOTION #92 OF 2009

ON A MOTION MADE BY MR. WHITNEY AND SECONDED BY MR. STOW THE SUPERVISOR WAS AUTHORIZED TO HIRE SOMEONE TO COMPLETE THE ASHVILLE AREA INCOME SURVEY AT A COST NOT TO EXCEED \$400.00. MR. WHITNEY, YES; MRS. CARLSON, YES; MR. STOW, YES; MR. THOMAS, YES; MR. SENA, ABSTAIN. **THE MOTION WAS CARRIED.**

- **NEW BUSINESS:**

- **SUMMER PARK EMPLOYEE**

Mrs. Carlson said she would like to hire someone for a few hours a week for park maintenance at \$10/hr. She noted that John Penhollow is picking up the trash there at no cost to the town.

MOTION #93 OF 2009

ON A MOTION MADE BY MR. THOMAS AND SECONDED BY MR SENA THE SUPERVISOR WAS AUTHORIZED TO HIRE SOMEONE FOR PARK MAINTENANCE FOR APPROXIMATELY 4 HOURS PER WEEK AT \$10/HR. **THE MOTION WAS CARRIED UNANIMOUSLY.**

Mr. Sena said it would be nice to have a coke machine at the Lighthouse Park for fishermen and others using the dock and park area.

Mrs. Carlson said you would have to make sure the electric is turned on.

- **BRUSH RECYCLING**

Mrs. Carlson said she and Mr. Ryan have spoken about doing some type of brush recycling. She said there have been a lot of requests for it but it would require someone at the brush dump to oversee it. She asked Mr. Ryan if he has spoken to any of the highway employees about it.

Mr. Ryan said no.

Mrs. Carlson said they had discussed the hours of 9-3:00 PM every Saturday.

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Mr. Sena asked if it was needed every Saturday.

Mr. Stow asked if the Highway would be there with a chipper.

Mr. Ryan said the brush could just be pushed over the bank.

Mrs. Carlson asked if there would be a market for the chips.

Mr. Ryan said there are people in the town that would take the chips.

Mr. Sena suggested that it be done in the same fashion as metal days, perhaps a couple of times a year.

Mr. Whitney said it might be best to do it early in May and in the fall.

Mr. Ryan said if one of his guys were to man the dump they would have to be paid overtime.

There was further general discussion of use of the brush dump.

MOTION #94 OF 2009

ON A MOTION MADE BY MR SENA AND SECONDED BY MR. THOMAS THE SUPERVISOR WAS AUTHORIZED TO HIRE A PART-TIME PERSON AT A COST OF \$10/HR. TO MAN THE BRUSH DUMP ON THE SECOND SATURDAY OF THE MONTHS OF MAY – OCTOBER FROM 9:00-3:00 PM, TO ACCEPT ORGANIC YARD WASTE (EXCLUDING TREES, COMMERCIAL WASTE) FOR RESIDENTS POSSESSING AN AUTHORIZATION STICKER AS PROVIDED BY THE TOWN. THE MOTION WAS CARRIED UNANIMOUSLY.

- **MOWING PARK AREA ACROSS FROM MILDRED’S IN ASHVILLE - \$30/PER**

Mrs. Carlson said she has received a quote from Brad Swanson of \$30.00 per mowing to mow the area across from Mildred’s in Ashville. She noted it would be nice to get that area looking a little better. There was general discussion of the Japanese Knotweed in the area and the difficulty in destroying it.

MOTION #95 OF 2009

ON A MOTION MADE BY MR. THOMAS AND SECONDED BY MR. STOW, THE SUPERVISOR WAS AUTHORIZED TO HIRE BRAD SWANSON AT \$30.00 PER MOWING TO MOW THE TOWN PROPERTY ACROSS FROM MILDRED’S IN ASHVILLE. THE MOTION WAS CARRIED UNANIMOUSLY.

- **PURCHASE OF OUTHOUSE FOR LIGHTHOUSE PARK \$1,500.00 + \$75/MO. SERVICE**

Mrs. Carlson said Mrs. Thomas had contacted Frantz and Russell about the purchase of a new outhouse to remain permanently at the Lighthouse Park. She said it would cost \$1,500.00 to purchase the outhouse and an additional \$75.00 per month to service it (pump tank, clean, etc.). She said currently we rent the outhouse from May-October at a cost of \$149.00 per month which includes rental and service.

After discussion, the board expressed no interest in purchasing an outhouse at this time.

- **ASSEMBLY BILL #8501 / SENATE BILL #5661 – CONSOLIDATION OF LOCAL GOVERNMENT**

Mrs. Carlson said she believed that everyone had received information regarding this bill which is before the Assembly. She said she would like to write a letter in opposition of this bill.

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MOTION #96 OF 2009

MR. STOW MOTIONED THAT THE BOARD WRITE A LETTER IN OPPOSITION OF ASSEMBLY BILL #8501 / SENATE BILL #5661 WHICH WOULD ALLOW THE CONSOLIDATION OF LOCAL GOVERNMENTS. MR. THOMAS SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. Stow said he would like the town to also express their displeasure at the proposed Farm Bill which requires farmers to pay overtime, etc. to seasonal workers. He said this would be a severe blow to already struggling local farmers.

MOTION #97 OF 2009

ON A MOTION MADE BY MR. STOW AND SECONDED BY MRS. CARLSON THE TOWN CLERK WAS AUTHORIZED TO WRITE A LETTER IN OPPOSITION OF THE FARM BILL BEFORE THE SENATE REQUIRING LOCAL FARMERS TO PAY OVERTIME TO SEASONAL WORKERS. THE MOTION WAS CARRIED UNANIMOUSLY.

- **USE OF LIGHTHOUSE PARK FOR YARD SALE – JULY 17-18, 2009**

Mrs. Carlson said she had a request to use the Lighthouse Park for a yard sale on 7/17-18/2009. She asked if anyone had any objections.

Mr. Sena asked if there was a liability issue.

Mrs. Carlson said anyone can use the park and the town's liability insurance covers it.

Mr. Lawson said yard sale one day or two is allowed in the R-1 District.

MOTION #98 OF 2009

ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. WHITNEY THE USE OF LIGHTHOUSE PARK FOR A COMMUNITY YARD SALE 7/17-18/09 WAS AUTHORIZED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **YOUTH REC SIGN UP**

Mrs. Carlson said Youth Rec will be doing sign up soon. She said they had originally planned to use the Town Building on 6/18/09, but that is calendar call for the Court, so they will do it some other time. She said that C.O.I. has informed her that due to some recent changes in finance they are unable to directly receive the donations from families that will be participating. She said they requested that the town create an account where families can make this donation to the town and when all donations have been received write a check to C.O.I. for program costs. Mrs. Carlson said previously C.O.I. had collected this.

Mrs. Thomas asked if they had reported the amount of these donations in the past.

Mrs. Miller said she had requested that information and they had received approximately \$500.00 in 2008.

Mr. Stapleton asked how these donations had been handled in the past.

Mrs. Carlson said typically they were collected by the Town Clerk and go into the General Fund as a receipt. She said the Bookkeeper would have to keep track.

Mrs. Thomas said the issue may go back to the fact that the town previously collected these funds as a cost, not a donation, which may go against State Law governing grant funding, etc. She said this may also be a condition that C.O.I. is facing.

Mr. Stapleton said he has no problem with the request and he will ask Matt Kraft about it.

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MOTION #99 OF 2009

ON A MOTION MADE BY MR. SENA AND SECONDED BY MR. THOMAS THE TOWN AGREED THAT THE TOWN CLERK WILL ACCEPT ALL DONATIONS FOR THE YOUTH RECREATION PROGRAM AND FORWARD THEM TO C.O.I. AS ONE CHECK. **THE MOTION WAS CARRIED UNANIMOUSLY.**

- **HIGHWAY DEPARTMENT – PAT O'BRIEN \$1/HR. RAISE EFFECTIVE 7/1/09**

MOTION #100 OF 2009

ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. WHITNEY, HIGHWAY M.E.O. PATRICK O'BRIEN WAS APPROVED FOR A \$1/HR. RAISE EFFECTIVE 7/1/09 ON THE RECOMMENDATION OF GARY RYAN, HIGHWAY SUPERINTENDENT. **THE MOTION WAS CARRIED UNANIMOUSLY.**

- **COMMUNITY GARDEN ON TOWN PROPERTY NEAR FIREHALL**

Mrs. Carlson said she and Mr. Sena had discussed starting a community garden at the location indicated.

Mr. Sena said it could be plowed and 10'x10' sections could be allowed for those who don't have enough room for gardens on their property. He said since there is no water available, they would have to bring their own.

After general discussion, it was decided to investigate the idea further for spring 2010.

MOTION #101 OF 2009

ON A MOTION MADE BY MR. SENA AND SECONDED BY MR. WHITNEY, THE BOARD AGREED TO INVESTIGATE THE PROPOSAL FOR A COMMUNITY GARDEN AT TOWN PROPERTY IN 2010. **THE MOTION WAS CARRIED UNANIMOUSLY.**

- **REPORTS:**

JAY GOULD, LEGISLATOR:

Mr. Gould said the following occurred in the Legislature:

- Resolution for grant funding for a taxi lane at Dunkirk Airport in the amount of \$210,500.00 (federal 95%; state 2.5%; local 2.5%)
- appointed Jim Rizzo and Doug Richmond to the Region 9 Fish and Wildlife Mgmt. Board
- appointed to CLMC were 4 members of the North Harmony community
- July meeting will be at the Clarendon Hotel in Dunkirk because of Fair Week
- Resolution to eliminate Motions (suggestions in writing that are not binding) was defeated
- Great Chautauqua Air Show will be held on 8/21-23/2009
- creation of Countywide Fire/Police response team to supplement local fire departments
- \$27,000.00 grant for bullet proof vests for Jamestown P.D. and Chaut. Co. Sheriff's

Mr. Gould said most of the discussion centered on the agreement with the cities of Jamestown and Dunkirk for the collection of Real Property Taxes by the County. He said at the conclusion, it would be handled the same as it was last year.

- Sales tax was voted on and beginning 12/1/09 – 11/30/10 sales tax rate will be 7.75%; 12/1/10 – 11/30/11 rate of 7.50%

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Mr. Gould said Assemblyman Parment has been threatening a reduction to 7% so the Legislature did not have much choice.

Mrs. Carlson noted that this will make Chautauqua Co. the only county in N.Y. to reduce sales tax.

Mr. Stow suggested that the reduction should be taken out of the states share.

RANDY HOLCOMB, ASSESSOR:

Mrs. Carlson said Mr. Holcomb had provided a report of Grievance Day cases. She asked Mrs. Best, Board of Assessment Review if she had anything to add to that report.

Mrs. Best said next year prior to Grievance day it would be helpful to the Board if they could be educated/informed on how the state governs assessments.

GARY RYAN, HIGHWAY SUPERINTENDENT:

Mr. Ryan said the highway has been working on the following:

- will have Bill Stratton mow town property near fire hall
- Longview Rd. has been rebuilt (except black top)
- hand patching and filling wash outs
- shoulders on Erickson and Baker have been done

HOWARD PEACOCK, JUSTICE: (report in Minute Book)

Mr. Peacock said he has nothing further to add to his report.

Mr. Whitney noted that case numbers and fine collections are up again.

BRAD LAWSON, ZONING C.E.O.: (report in Minute Book)

Mr. Lawson said in response to the violations he sent out a couple have been cleaned up and others are being worked on. He said some of the notices had been returned and he has sent follow up letters. He said if there is no response, they will have to appear in court. He said he has sent in the FEMA Biennial report on the flood plain. He noted that the report from Castor's might help them. Mr. Lawson said he had investigated the run-off problem at Wells Bay Road after the heavy rains and they were not caused by Mr. Sampson's project. Mr. Lawson said he has received a Building Permit application from the Fire Department for their new building. He asked if and when the project begins, does the town want to waive the permit fee.

MOTION #102 OF 2009

ON A MOTION MADE BY MR. THOMAS AND SECONDED BY MR. STOW THE ZONING C.E.O. WAS AUTHORIZED TO WAIVE THE BUILDING PERMIT FEE FOR THE NEW ASHVILLE FIRE DEPARTMENT BUILDING PROJECT LOCATED ON STOW ROAD. THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. Lawson said that David Todd of the Chautauqua Watershed Conservancy had contacted him about placing a 5x10' sign close to I-86 and also facing it on the old Stow property which they own. He said he had responded that he would talk to the Town Board and the Planning Board for a consensus because the size of the sign is not compliant with code. After general discussion it was determined that the reason for the town's signage rules was to prevent this type of signage on the expressway. Mr. Lawson said he would contact Mr. Todd with the decision.

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DAVE LLOYD, STORMWATER PLANNING:

Mr. Lloyd said he has been working with Brian from Rex Tolman Engineering on 2010 grant projects. He said they would like to construct a rain or water garden project in Ashville at the intersection of Route 474 and South Maple. He said the garden would be adjacent to 5 crab apple trees planted along Rt. 474. He said they are asking for bed tax grant funding in the amount of \$36,350.00. He said the water/rain garden will trap and filter out 85% of gas, oil, solids and hydrocarbon run-off. He said this would be the first project of its type in Chautauqua County by a municipality and would also be a learning experience for both the B.O.C.E.S Conservation class as well as other municipalities. The second project would be a permeable pavers parking area at the Lighthouse Park in Stow. He said the project will include 2,250 sq. ft. of pavers. He also noted that because of the high cost of the permeable pavers and the time needed to install them, this would probably be a two year project. The pavers will pick up gas, oil and other suspended solids at a rate of 85% and Mr. Lloyd said they are requesting funding in the amount of \$40,000.00 for the first half of the project. He said currently the lot is all gravel and the drain in the parking lot is full of gravel. He said all the hydrocarbons, etc. that go into the drain are going directly into the lake.

Mr. Lawson asked how the pavers take road salt.

Mr. Lloyd said studies have shown that the salt actually keeps the pavers open and they work better. He said these pavers are quite prevalent in the Midwest.

Mr. Stow asked about the drain which is recessed into the ground.

Mr. Lloyd said a riser would probably have to be constructed and that should help slow the water down some as well. He said Mr. Tolman has completed the plan for the Stow project and it is getting a last review. He said he has been keeping track of the Wells Bay project and Mr. Sampson and Sundlov Construction are doing a good job. He said the main source of the water flow was Doug Wells driveway which forced the water into the road, washed the shoulder out and deposited it into Mrs. Dunn's yard. He said the highway department has been doing some work there to hopefully prevent this in the future. He said the survey and hydrology report for the Cheney Pt. project have been completed and that will be moving along as well.

NANCY THOMAS, TOWN CLERK: (report in minute book)

Mrs. Thomas said Dan Thomas had contacted Ashville BSA Troop 141 and they had helped with placement of Veteran's flags at Maple Grove Cemetery this year. She said she had sent a letter of appreciation from the town noting the scout's hours of service which will help them achieve their Citizenship Badge. She briefly noted that Mr. Stapleton has filed the Cold War Veteran's Exemption, Local Law No. 1-2009 with the state and the NYS DOT has responded favorably to the towns request to lower the speed limit to 45 mph on Stow Road between Rt. 394 and Morley Road.

- MOTION #103 OF 2009

ON A MOTION MADE BY MR. SENA AND SECONDED BY MR. STOW, THE TOWN CLERKS REPORT WAS ACCEPTED AND THE MOTION WAS CARRIED UNANIMOUSLY.

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

MOTION #104 OF 2009:

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

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MOTION #105 OF 2009:

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

MOTION #106 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 #107 OF 2009:

MR. WHITNEY MOTIONED FOR ADJOURNMENT AT 9:15 PM. MR. SENA SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

Mrs. Carlson said that the Planning Board would meet tomorrow night and Mrs. Best will ask them about setting up a time and date to get together and discuss the Comprehensive Plan as it relates to current Zoning activities in the town. A tentative date of Wednesday 6/17/09 at 7:00 PM was discussed.

Nancy Thomas
Town Clerk