

**TOWN OF NORTH HARMONY
TOWN BOARD MEETING
MONDAY 9/14/09 8:00 PM**

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

Others Present: Malcolm & Eleanor M. Joslen-Bruce, Lynn Smith, Kathleen Gradel, John and Penny Best, Robin Miller, Bookkeeper; Gary Ryan, Highway Sup't.; Sharon Turano, P.J.; Dave Lloyd, Stormwater Planning; Howard Peacock, Justice; Brad Lawson, Zoning C.E.O.; Jay Gould, Legislator; Dave Stapleton, Attorney; Nancy Thomas, Town Clerk

- **PLEDGE**
- **MINUTES**

MOTION #127 OF 2009

ON A MOTION MADE BY MR THOMAS AND SECONDED BY MR. STOW THE MINUTES OF THE 8/10/09 BOARD MEETING WERE ACCEPTED AS PRESENTED BY THE TOWN CLERK AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **ANNOUNCEMENTS:**

Mrs. Carlson thanked Mr. Ryan and the Highway Department for the new dead bolt installed on the rear door of the town building and also for mowing the Regner lot.

- **PUBLIC COMMENT:**

MALCOLM D. BRUCE –FLOOD DAMAGES ASHVILLE BAY ROAD (ref. letter 8/20/09)

Mr. Bruce said he wanted to talk about the water runoff at Ashville Bay Road caused by the rains on 8/9/09 and the damages done to his property. He said there has been an ongoing argument as to whether the upper road is a township road. He said his home is on the ROW and only one or two people live on the upper road. He said the drain on the far side of the 40' town road is filled with debris and one resident has dug a ditch at the rear of his property to drain into the town ditch. He feels that the combination of the debris and added water have caused the ditch to overflow and the heavy rains caused a washout on his property. Mr. Bruce said he has spent \$3,000.00 to get the damage fixed.

Mr. Ryan said that what Mr. Bruce calls the upper road is the old street car track and questions if it is a part of Ashville Bay Road and does the town want to maintain it.

Mrs. Carlson said the paved portion of the road is the towns and the other portion is not. She said ordinarily township roads are 50'.

TOWN BOARD

9/14/09 (Pg. 2)

Mr. Ryan said he does not know what the board wanted to do because he does not know if the people who live back there got permission from the board to use that as a road.

Mr. Whitney said the map shows from the intersection of Rt. 394 where you turn at B.O.C.E.S., a road going down that's the same as the Ashville Bay Road. He said there's no road down to that and it's marked the same way.

Mrs. Carlson asked if the deed indicates it is a township road and asked Mr. Stapleton to review it to determine ROW ownership.

Mr. Stapleton said if Mrs. Carlson is right the town law requires that the town open up all roads 49 ½' (three rods wide). He said if the town has not opened it up three rods wide and is not maintaining it, and unless a deed has been given to the town that has been enforced in some way against the adjoining property owners, the traction company ROW is something that went back to the property owners when it was abandoned. He said there may be some easements by use that the property owners have over the years, but that has nothing to do with the town.

The board spent additional time reviewing the Ashville Bay Road file and there was a general discussion of options to alleviate the problem.

Mrs. Carlson said the town could certainly clean the ditch and catch basin.

Mr. Ryan said the upper road could possibly be banked to force water onto the left hand side of the road.

Mr. Bruce said he would like to have public sewer and water available for his property.

Mrs. Carlson said the Jamestown BPU may be creating a different type of water district in the future so it comes from other places than Jamestown. She said that she understands that Jamestown intends to not only charge Kiantone double the rate but they also want 25% of the assessment of anything new built there.

LYNN SMITH – QUIGLEY PARK – SEWER VOTE

Mrs. Smith said she would like to express her disappointment at the outcome of the recent sewer study vote and felt that all taxpayers should have been included in the vote. She said that 70% of the tax revenues in the town come from the lakeshore properties. She said it was interesting that when Mr. McGraw was presenting his hotel idea that the cost for sewer was \$3,000,000 and then when it went to vote it was \$26,000,000.

Mrs. Carlson said when Mr. McGraw talked about putting the hotel at Bootey Bay; it was \$18,000,000 for a line from Ashville to his hotel. She said she was not sure if it included lateral lines. She said he had intended to build the main pipeline and there would have been additional costs to extend it into the bays and to the individual residents. She said the \$26,000,000 figure came from extending it from Ashville Bay to the Town of Chautauqua and the plan was to apply for funding that would include not only North Harmony but also the Town of Chautauqua that is not currently served by a sewer district. She said there have been so many figures tossed around that it is anyone's good guess what the actual cost will be.

Mr. Sena said that South and Center had come up with the \$26,000,000 figure and Mr. McGraw's was for one main trunk to his hotel, but large enough to serve everything else down to the lake.

- CORRESPONDENCE:

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

TOWN BOARD

9/14/09 (Pg. 3)

1. **STW – RETIREMENT DINNER 12/10/09**

2. **BS&K – CASE LAW UPDATE 10/26/09**

3. **NYS ASSEMBLY – Brian Kolb – “People’s Convention to Reform New York”**

Mrs. Carlson said Mr. Kolb is seeking support for convening a Peoples Convention on non-partisan grass roots issues to reform New York in 2011 and is requesting a policy of no involvement from elected officials. See website www.reformnewyork.org.

4. **ERNEST RUSSO / KATHLEEN GRADEL – Request for Info**

Mrs. Carlson said Ms. Gradel and Mr. Russo had sent a letter with concerns about the direction the town is moving in. She said she gave copies of the letter to all board members, Mr. Ryan and Mr. Lawson and asked Ms. Gradel if she wanted to comment on the letter as far as specifics.

Ms. Gradel said she lives on Watson Road and expressed the following concerns:

- Use of the transfer station by non-residents
- maintenance of their road and ditch on Watson Road
- leash law enforcement and the memorial stones at the park not being finished

She said they addressed things that affect their day to day quality of life in North Harmony especially in relation to the bigger plan that seems to be happening.

Mrs. Carlson commented that the transfer station is a town wide taxpayer charge and everyone who owns property not just homes in the town pay for it and are entitled to use it. She said last year town officials had been present at the transfer station checking stickers and ascertaining user’s eligibility for the services. She said there were a couple of cars that turned around and left after realizing that checks were being done.

Mr. Ryan said he and Mr. Whitney had looked at the ditch and it appears there is not much drop from the ditch to the lake so the water can’t drain. He said the same problem exists on Lakeland Road. He said he could ditch the entire thing but can’t guarantee that the ditch will run because it is at lake level.

Mrs. Carlson said one problem on Watson Road is that one section got dug a little bit deeper than the rest and it is just not flowing.

Mr. Stow asked if there is any conduit to get it to the other side of the road that is higher.

Mr. Ryan said he is not sure as he has never dealt with any pipes on Watson Road.

Mrs. Carlson said there is a cross pipe where the old Cherry Lane sign used to be and she was told there is another one further down.

Mr. Ryan said the highway could do an elevation shot, but there are no guarantees there is enough grade to alleviate the problem.

Mr. Stow said that property acts like a wetland tributary.

Mrs. Carlson and Mr. Ryan both said there is a problem with residents on Watson filling the ditch with plant pots, leaves, grass, and other refuse.

Mrs. Carlson said if there are problems with the leash law, the town has an animal control officer, Charlotte Grover, and she should be contacted to pick up any dogs running at large.

Ms. Gradel said she had contacted Ms. Grover and the dog had not been picked up.

TOWN BOARD

9/14/09 (Pg. 4)

Mrs. Thomas asked Ms. Gradel if she knows the owner of the dog.

Ms. Gradel said yes.

Mrs. Thomas said if Ms. Gradel would call her office with the name of the owner, she would make sure that Ms. Grover had the information.

5. **MALCOLM BRUCE – Flood Damages Ashville Bay Road (addressed during Public Comment)**
6. **TIME WARNER** - Franchise Fees
- Changes in Service
- Channels up for renewal
7. **STUART I. BROWN – ENERGY EFFICIENCY**
8. **CAROL HAY- PANAMA SUP'T. – October 23-24, 2009 Chautauqua Suites Energy Conf.**
Mrs. Carlson said the Energy Conference last year had been well worth attending and anyone with opportunity should attend this year if possible.
9. **LABELLA ASSOC. – Newsletter**
10. **CHAUT. CO. EMERGENCY SERVICES 9/23/09, 6:30 PM**
11. **COMMUNITY FOUNDATION – Controlling the Local Tax Budget, meeting 10/28/09, 8:00 AM – 12:45 PM, Jackson Center**
12. **COUNTY PLANNING – Meeting 9/29/09, (\$15.00 charge) Designing Better Rural Communities**
13. **BOND AND SCHOENBECK – Announcing additions to their staff**

- **OLD BUSINESS:**

- **COMPREHENSIVE PLAN MEETING 8/22/09**

Mr. Sena said after the 8/22/09 meeting the Planning Board met and continues to put together all the information and comments received. He said 105 people from a large cross section of the town had attended and they will continue to use resident input while working on the draft plan.

- **ASHVILLE FREE LIBRARY RE-OPENING 8/22/09**

Mrs. Carlson said the library has re-opened and encouraged everyone to visit. She said they have an elevator and an adult section upstairs and have done a fantastic job with the renovation.

- **TOWN PICNIC – Thanks to Nancy; Frank, Vickie & John Stow, Robin, John & Penny, Pie Judges. Congratulations to Pie Contest Winners 1st and 2nd Place – Carol Sena; 3rd Place – Brooke Norris**

- **MR. WRIGHT (contractor for bricks at park) – certified letter returned**

Mrs. Carlson said the letter sent to Mr. Wright had been returned with notice that he no longer resides at that address. She said there are 28 more blocks to be installed and she has contacted a couple of contractors to see about completing the job. She said the blocks are installed in a treks form and are not glued.

TOWN BOARD

9/14/09 (Pg. 5)

Mr. Stow asked if this is something that could be done by the boy scouts perhaps for a merit badge or as an Eagle Scout project.

Mrs. Carlson said she didn't know. She said all the trex boards would have to be shaped, etc., and it would depend on the capability of the youth doing the job. She said Mr. Wright was paid for the trex boards to install the rest of the blocks and she did not know about the chances of recovering the town's money.

Mr. Sena said he would handle the remainder of the project.

- **SPECIAL TOWN ELECTION – SEWER STUDY 9/12/09**

Mrs. Carlson said the sewer study had been voted down 262 to 78. She said a letter was sent to some of the town's property owners and commented that there were a number of falsehoods in it. She said the town had no intention of moving ahead with the sewer district unless funding became available. She said the map plan and report which the vote was about was strictly so that should funding become available, the town would be in a position to move forward. She said the town did not do the bidding for the firms, they were solicited by South and Center Sewer District and they certainly have the expertise to determine who was qualified to do the work.

- **WATER DISTRICT APPLICATION**

Mrs. Carlson said Rex Tolman has sent in a water district application to ascertain where the town would rank if funding becomes available for water. She said the town would have to wait to see how that goes.

- **TREE BIDS – \$9,500 – Will clear cut area where dead trees are located – 5% paid to David Spann**

Mrs. Carlson said Dave Spann had done the advertising and we have received four bids to cut the dead and dying trees at Butts Park:

- Redlecki and Son	\$9,501.00	- Coastal Lumber	\$7,510.00
- John Burkholder	\$9,000.00	- Steve Troyer	\$7,000.00

Mrs. Carlson said if the high bid is acceptable, Dave Spann has discussed the dump site with Mr. Redlecki and his intention is to remove the majority of the dead and dying trees and Mr. Spann said this would be a positive for the aesthetics around the park and provide a safer environment for the public.

Mr. Stow said the town should make sure that proof of insurance is received from all bidders. He said the removal of the trees would eliminate some liability issues at the park.

Mrs. Carlson said proof of insurance had been received.

Mr. Sena said he thought the town was going to wait to see if prices increase.

Mr. Best said that the market is down, but \$9,501.00 is not a bad price for the work and he does not feel that a lot will be gained by waiting. He said Mr. Redlecki might do the job with horses.

Mrs. Carlson said that Dave Spann feels it is a good price and the wood taken will be used for fire wood. She said the trees have already been marked.

Mr. Gould said the marking was very selective and there is a lot left.

TOWN BOARD

9/14/09 (Pg. 6)

- MOTION #128 OF 2009

MR. SENA MOTIONED TO ACCEPT THE BID FROM REDLECKI AND SON IN THE AMOUNT OF \$9,501.00 TO REMOVE DEAD AND DYING TREES AS MARKED AT BUTTS PARK. MR. STOW SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- CONTRACTS FOR 2% BED TAX FUNDING – NEITS CREST

Mrs. Carlson said we had finally received the contracts for the Cheney Point and Stow Area projects from the 2% bed tax funds and they have been signed and returned to the county. She said hopefully we would be able to start the projects now and asked Mr. Ryan if he was ready to begin.

Mr. Ryan said he is busy putting in pipes but as soon as he is caught up he will start.

Mrs. Carlson asked Mr. Ryan if he had gone to Neits Crest to check out the pipes there. **Mr. Ryan** said yes. **Mrs. Carlson** said she had contacted the NYS DOT and they were supposed to call Mr. Ryan. She said the gentleman she had spoken to handles complaints and he had said they would do something with that upper ditch near Norgren's.

Mr. Ryan said he had not been contacted by the NYS DOT yet.

- NEW BUSINESS:

- THOMAS C. CASSENTI VS. TOWN OF NORTH HARMONY – Suit filed for accident at Open Meadows and Spooner Roads (2nd car involved)

Mrs. Carlson said a second claim has been filed on the accident on Open Meadows and Mrs. Thomas has advised and filed notice with NYMIR that it is a county road.

- TREES REMOVED AT CEMETERY

Mrs. Carlson said Jack Knowlton had asked about removing a maple tree at Maple Grove Cemetery.

Mr. Ryan said the tree is rotten and split down the trunk and poses a threat to some of the larger markers in the cemetery if branches or the tree falls. He said the tree is marked and Dan Sullivan will remove it.

- SALE OF LOT ON STOW FERRY ROAD – BRUSH HOG

Mrs. Carlson said today Bill Stratton had brush hogged the lot that the town purchased from Ms. Regner. She asked how the board wanted to go about marketing it (i.e. sealed bids, etc.). She said a couple of people had approached her and were interested and asked if the board wanted to do additional clean up or review the property before making a decision.

Mr. Whitney asked what additional clean up was needed.

Mrs. Carlson said there are some pieces of plastic sheeting, tires, blocks and a fence that should be addressed. She said there is a large tire around the well so it would not get run over. She said the fence needs to be taken down, but wanted the boards' opinion if the town or the new owner should be responsible for removing it.

Mr. Sena said he would like to walk the property to see how much has been done and how much it will cost to clean it up and then the town could set a price for its sale.

TOWN BOARD

9/14/09 (Pg. 7)

Mrs. Thomas asked what is in the garage that is located there. She said she assumes the town now owns the contents.

Mrs. Carlson said she did not know since there was no key left for it.

There was further general discussion of the property and the consensus of the board was to view the lot and table any decision until the October board meeting.

- ASHVILLE BAY
- WATSON ROAD
- LOTS IN ASHVILLE

Mrs. Carlson said there are 2 lots (approx. ¼ acre total) in Ashville that are up for tax sale. She said the one lot is the brown field where the town and other agencies cleaned up tanks from the old gas station. She noted that there is still an open hole there. She said Cheryl Ruth, DEC was supposed to get back to her with a letter stating that the lot was “OK” for the county to be selling at auction. She said that it is adjacent to the property that the town currently owns there. She asked if the board would be interested in bidding on the property strictly on a bid basis (not the \$13,000 owed in taxes).

Mrs. Thomas said one lot is assessed at \$5,000 and the other is \$1,000.

Mrs. Carlson said they are 57’ deep and not legal size building lots.

Mr. Thomas asked how far it would extend the towns property.

Mrs. Carlson said to the corner of the intersection of Rt. 474 and South Maple.

Mr. Stow said he likes the idea of keeping the lot on the corner clean and with no structures so that visibility at the busy intersection is maintained.

Mr. Ryan asked if the town could fill the hole located there.

Mrs. Carlson said not unless we own them.

Mr. Lloyd said that hole is actually a ditch for drainage and there are cross pipes there from across the road at Mildred’s. He said that could be piped and filled in. He said the tanks were removed from a different location.

Mr. Lawson said the brown field work would include the entire property. He said the town has never received any notification from the county or the DEC stating that the property was cleared and marketable. He said he had been contacted by someone interested in what could be done with the property if they purchased it. He said perhaps the property had fallen through the cracks at the county and state levels.

Mrs. Carlson agreed and said the town would certainly need something from Ms. Ruth in writing before bidding. She said she had spoken to Ms. Ruth who stated that she would pursue the issue and fax the town a copy of her findings on the property status. Mrs. Carlson said she has not yet received any information from Ms. Ruth. She said the auction is set for Saturday, 9/19/09, and you can bid as little as \$.01 and up. She said there is a deed fee of \$1.00 and a deed recording fee of \$305.00. She said if the town was to bid on these properties the minimum charge would be \$306.00 for each parcel.

Mr. Gould said he does not think that the county can sell the property unless there is a clean title or unless they advise prospective bidders of the existing brown field condition.

Mrs. Carlson requested a contingency motion that the board spend an amount not exceeding \$1,000.00, to include the \$612.00 in fees, for the two lots.

TOWN BOARD

9/14/09 (Pg. 8)

- MOTION #129 OF 2009

MR. STOW MADE A MOTION THAT THE TOWN BID AT THE COUNTY TAX AUCTION AN AMOUNT NOT TO EXCEED \$1,000.00 (INCLUDING \$612.00 IN FEES) FOR THE PURCHASE OF 2 LOTS LOCATED AT THE INTERSECTION OF RT. 474 AND SOUTH MAPLE AVENUE CONTINGENT UPON THE NYS DEC PROVIDING CLEAN TITLE. FURTHER, THE CORNER LOT SHOULD BE CLEANED UP AND NO STRUCTURES BUILT THERE SO THAT VEHICLE VISIBILITY IS PROMOTED AND MAINTAINED. MR. THOMAS SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- BUDGET MEETING DATES

Mrs. Carlson asked the board what dates their schedules permitted for budget work sessions. She also advised that she is missing budget request forms from some people and requested that they be turned in by tomorrow. After discussion it was determined that the board would meet on 9/22/09 and 9/29/09 at 7:00 PM to work on the 2010 budget. Mrs. Carlson asked Mr. Ryan to attend so that future plans for equipment could be discussed.

- NEW SANITARY CODE

Mrs. Carlson asked Mr. Stapleton if he wanted to discuss the new Sanitary Code recently passed by the Chautauqua Co. Health Department.

Mr. Stapleton said he had not yet reviewed the code in detail, but it is his understanding that as of 1/1/09 the code has been amended to require that any title transfers including deed and property contracts (even those occurring between family members) will require a mandatory septic system test which will have to be passed in order to complete the transaction. He said this plan does allow for remediation if the test is failed. He said many other counties already have this type of testing in place and now we do too. He said in addition to that, the square footage of a conforming lot in order to install a sanitary septic system and well has been increased from 20,000 to 40,000 square feet. He said the code does provide for waivers under certain circumstances but he does not know how that will be enforced. He said currently, unless a bank requires it, this type of testing does not occur, especially in family transfers and cash deals.

Mr. Lawson said in his conversations with Mark Stow, County D.O.H., these types of waivers will be reviewed in a case by case manner and granting of these waivers may be few and far between. He said proximity of wells and septic systems will also be reviewed with regard for proximity to neighbors systems under these new codes.

Mr. Stow asked Mr. Lawson where the Open Burning Law stands. He asked if there would be exemptions for farmers.

Mr. Lawson said he has heard about it, but does not know the specifics.

Mrs. Carlson said there was an article in the newspaper recently that NYS has passed the law. She said it indicated that there would be no more trash burning and the only thing allowed would be camp fires.

Mr. Lawson said that law is already in place in the Chautauqua County Code. He said the town is not allowed to issue any type of burn permit.

Mr. Gould said he was not sure, but farmers might get an exemption for brush burning.

- ASHVILLE BAY

Discussed previously during Public Comment

TOWN BOARD

- **WATSON ROAD**
Discussed previously in Correspondence Item #4.
- **SMALL CLAIMS OF ASSESSMENT REVIEW – FAIRBANKS, 3040 CHAUTAUQUA AVE.**

Mrs. Carlson said the town has received notice from the Assessor that there was a small claim filed on assessment against the town and the court found in favor of Keith and Constance Fairbanks at 3040 Chautauqua. She said the assessment on the roll was \$775,000.00 and the Fairbanks claimed that the assessment should be \$740,000.00. The decision by the hearing officer was an assessment of \$757,500.00. She said there is a \$30.00 hearing fee charge incurred by the town.

- **REPORTS:**

JAY GOULD, LEGISLATOR

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

- Appointments to committees: Chautauqua Co. Housing and Neighborhood Revitalization Task Force and DWI
- \$160,000.00 approved for scale replacement at the land fill and to repave part of the parking lot
- Grant for security upgrades at the airport - Federal \$714,400; State \$18,800; Local \$18,800 = \$752,000
- Parking lot at Dunkirk airport – State \$238,050; Local \$26,450 = \$264,500
- Grant from NYSDOT to perform maintenance and building inspection at Chaut. Co. airport – State \$299,700; Local \$33,300 = \$333,000
- Aid for Prosecution of felonies \$47,100 (attorney wages)
- \$9,000 from Cattaraugus Co. for support of the medi-vac helicopter
- Pistol permits - \$60,000 transfer of funds from capital into that budget because of increase in number of applicants
- Trading the counties portion of sales tax for Medicaid was passed in the legislature. He said 2 years ago this had been offered to all the counties in NYS and the only one who accepted was Monroe County and it had been working pretty well for them. Mr. Gould said he did not think the state would go for it because it will cost them money.
- Mr. Gould said the main topic of discussion was the new phosphate law. He said the enforcement seems to be targeted mostly at the lawn care companies. He said phosphates attach themselves to soil particles and these particles have to move into the lake. He said there has to be tremendous saturation for them to roll off some ones yard into the lake. He said as of today he will vote against it because he does not know how it will be enforced.

Mrs. Carlson asked Mr. Gould to make clear the “hold harmless” on the town’s share of the sales tax.

Mr. Gould said he had specifically asked that question in committee and they said the towns, cities, villages would get their full share, this only affects the counties share.

Mr. Gould gave a brief history of NYS involvement with Medicaid payments. He said that when NYS was one of the richest states, Governor Rockefeller had agreed with the federal government to require the counties to pay a local share of ¼ % and the state to pay ¼ %. He said there are only 11 states that are

TOWN BOARD

9/14/09 (Pg. 10)

obligated to contribute to the program and our NYS counties pay the highest rate. He said things have changed since then and the burden is overwhelming. He said our state officials should be working on changing this.

GARY RYAN, HIGHWAY SUPERINTENDENT

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

- Re-profiling on Stebbins and Randolph Roads
- Installation of sluice pipes, ditching and mowing

HOWARD PEACOCK, JUSTICE (report in Minute Book)

Mr. Peacock said he had nothing further to add to the written report.

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

Mr. Lawson said his office is busy, but not with permits. He said he had spoken to Chuck Cranston, DEC, about the Ashville Bay Marina and asked him specifically about moving the material dredged from the creek to the Village of Lakewood and when it was going to happen. He said Mr. Cranston said there were concerns with the spoils and testing and provided no concrete answer as to a removal timetable.

Mrs. Carlson asked Mr. Lawson what our zoning code was regarding political signs.

Mr. Lawson said 4 weeks before the election and one week after and there is one letter going out requesting a candidate to remove their signs until the appropriate time.

DAVE LLOYD, STORM WATER PLANNING

Mr. Lloyd said that he did not want to order concrete products for the **Stow project** until he had a county contract price. He said Mrs. Carlson signed the contracts on 9/21/09. He said there were 2 bids received for the hydrocarbon filtration units and both were for \$9,500.00. He said he feels we should stick with the CDS unit since the unit we currently have is also a CDS. He said the town may want to look at the other model for future projects. He said there were 2 bidders on the 3x3 DI's and the manholes, with Southern Tier Supply being the low bid by \$30.86 (price includes shipping). He said the piping has been ordered at state bid pricing and he will have engineering drawings and permits for the CDS units on Tuesday for review and signature of the supervisor. He said the construction of the units takes approximately 2-3 weeks. He said Mrs. Miller has been in contact with Rick Constantino about refunds (up to 25%) for costs already incurred for the project. Mrs. Miller said that was done on 9/8/09.

Mr. Lloyd said the engineering drawings are here for the **Cheney Creek project** and Mr. Ryan has a set. He said Mr. Ryan will confer with Mr. Tolman as to location of the access road behind the wetland to get in and clean the silt and check with Dave Wilson on keeping silt out of the lake during the construction with the possible use of silt fencing in a couple of areas.

Mr. Lloyd said he has talked with a number of people on water/flooding problems on Cheney Road, Wells Bay, Longview area and Chautauqua Escapes and is continuing mitigation work on those. He said he was informed by the county that the town came in at #8 and #9 on the 15 projects funded for 2010 bed tax grant funding.

NANCY THOMAS, TOWN CLERK (report in Minute book)

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

TOWN BOARD

9/14/09 (Pg. 11)

MOTION #130 OF 2009
ON A MOTION MADE BY MR. SENA AND SECONDED BY MR. WHITNEY, THE TOWN
CLERKS REPORT WAS ACCEPTED AND THE MOTION WAS CARRIED UNANIMOUSLY.

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

MOTION #131 OF 2009:
MR. STOW MOTIONED THAT THE SUPERVISOR'S REPORT BE ACCEPTED AS
PRESENTED. MR. SENA SECONDED AND THE MOTION WAS CARRIED
UNANIMOUSLY.

MOTION #132 OF 2009:
MR. WHITNEY MOTIONED TO PAY THE GENERAL FUND VOUCHERS AS AUDITED AND
REVIEWED EARLIER. MR. THOMAS SECONDED AND THE MOTION WAS CARRIED
UNANIMOUSLY.

MOTION #133 OF 2009:
MR. WHITNEY MOTIONED TO PAY THE HIGHWAY FUND VOUCHERS AS AUDITED AND
REVIEWED EARLIER. MR. STOW SECONDED AND THE MOTION WAS CARRIED
UNANIMOUSLY.

MOTION #134 OF 2009:
ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. SENA THE MEETING WAS
ADJOURNED AT 9:45 PM BY UNANIMOUS DECISION.

Nancy Thomas
Town Clerk