

**TOWN OF NORTH HARMONY
TOWN BOARD MEETING
MONDAY, 4/12/10**

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

OTHERS PRESENT: Jay Gould, Legislator; Carl W. & Dorothy M. Lucas, Gary Ryan, Highway Sup't.; Dave Stapleton, Attorney; Howard Peacock, Everett Bensink, Justice's; Brad Lawson, Zoning CEO; Clayton and Helen Emick, Bill Stratton, Dave Lloyd, Stormwater; Penny Best, Deputy Town Clerk; Robin Miller, Bookkeeper; Betty Davis-Ryan, Nancy Thomas, Town Clerk

Mrs. Carlson opened the meeting at 8:35 PM.

- **7:45 - PUBLIC HEARING/SEQR B.O.C.E.S. SEWER DISTRICT**
- **8:00 - PLEDGE**

- **MINUTES:**

- MOTION #41 OF 2010
ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. THOMAS, THE MINUTES OF THE 3/8/10, BOARD MEETING WERE ACCEPTED AS PRESENTED BY THE CLERK. THE MOTION WAS CARRIED UNANIMOUSLY.

- **ANNOUNCEMENTS**

-

- **PUBLIC COMMENT:**

John Jablonski, Chautauqua Watershed Conservancy (CWC)

Mr. Jablonski said the CWC has the Loomis Bay property located on Rt. 394 from Goose Creek to the Ashville Bay Marina property under contract. He said the property is about 25 acres of which 20 acres are located in the Town of North Harmony and are state and federal regulated wetlands. He requested that the board consider a motion in support of the purchase of the land as a CWC site for preservation. He said the CWC has a \$21,000 state grant that can be used toward this and they are applying for additional funding from foundations and private individuals for the purchase. He stated that the land is one of the most important habitat areas on the lake and is an important bird area. He said 2 years ago there was a white pelican sighted there. He said it is a habitat for the pied-billed grebe (state listed threatened bird species). He said the site is important as a "sponge" when Goose Creek and Chautauqua Lake flood. He said Soil and Water Conservation had constructed rock rip rapping and a willow planting demonstration project just above the property last year. He said last fall the CLA had dredged Goose Creek to remove silt materials in the lake. He said this project would maintain the hydrology of the parting between it as a wetland and flood/debris catch basin. He provided a handout and said they are proposing a 4-6 car parking area (40-60' wide and deep); some trails for hiking and bird watching; and limited public access for canoe/kayak launching. He requested support from the Town of North Harmony and Busti to pass a motion in favor of the project because this might help in seeking foundation grant funds to complete the project.

Mr. Ryan asked how you can build a parking lot in flood plain/wetland areas.

TOWN BOARD

4/12/10 (Pg. 2)

Mr. Jablonski said the area where the parking lot is proposed had been flagged by the CWC and DEC 2 years ago. He said there is about 400' between the road edge and the wetland area. He said the parking area would be adjacent to the road (just east of the pump station bldg.).

Mr. Ryan asked if that area was part of the flood plain.

Mr. Jablonski said it is not in the flood plain and provided a flood plain map which he stated indicates about a 100' area along the roadside is not in the flood plain.

Mr. Lloyd asked when the flood plain map was put into effect.

Mrs. Carlson said 1975.

Mr. Lloyd asked if the flood plain in North Harmony and in the county in general has experienced any changes since those maps were made.

Mr. Jablonski said the maps should be re-delineated in most of the areas.

Mr. Lloyd said about 5 years ago the NYS DEC said they would be redoing the flood plain maps, but they have not been done yet. He said every time the town tries to do something in an area the state says they can't because they have not reestablished the flood plain. He asked Mr. Jablonski what the essence of a parking lot is as defined in his proposal.

Mr. Jablonski said parking for 4-6 vehicles at a location where as little fill as possible would be needed. He said it was recommended that about 6" of native soil material be removed and 2' of fill placed in the lot area. He said the lot would be approximately 40-50' wide and 50' deep to include a turnaround. He said the lot would be used primarily for fishing, bird watching and hiking.

Mr. Lloyd commented that if the area was to be left natural to protect endangered species would trails, etc. necessarily be a good idea. He asked who would maintain the area.

Mr. Jablonski said the CWC would maintain it.

Mr. Lloyd asked if the CWC had the money to maintain it.

Mr. Jablonski said they do not have the money yet.

Mr. Lloyd asked how trash, etc. left by those using the area would be handled. He asked who currently owns the property.

Mr. Jablonski said the Klawon's (Loomis family) currently own it.

Mr. Emick asked how much would be taken off the tax roll if the CWC purchased the property.

Mr. Jablonski said the total annual tax on both the properties is \$743.00 per year. He said the parcels are assessed very low because so much of it is wetland. He said the Town of North Harmony share of the tax revenue would probably be \$200-300. He said the property where Sam's Club was built was a federally protected wetland, but when push comes to shove if you have enough money you can get things developed. He said people do it without permission all the time and get away with it.

Mr. Sena said that the zoning for North Harmony is pretty strict and if it is not a commercial zone...

Mr. Jablonski said it is a commercial zone.

Mr. Lawson said the portion where the Ashville Bay Marina is located is a commercial zone.

Mrs. Carlson said when the marina starting filling in, the DEC came in, fined them and made them remove the fill.

Mr. Jablonski said they have a building sitting where the wetland used to be. He said they have a brush fill on a flood plain at the corner just west of Ashville. He said he has no faith in the court system that we will have wetland regulations 5 years from now.

Mr. Whitney asked if the federal government has not yet redefined the wetland/flood plain maps, how we deal with something of this nature.

Mr. Jablonski said the CWC would fill as little as possible. He said the state only regulates wetlands that are 12.4 acres or larger, while the feds regulate smaller areas.

Mrs. Carlson said the feds regulate areas that are even smaller than 1 acre.

Mr. Whitney asked about the in kind construction contribution that the CWC is requesting from the town highway department. He asked for an estimate of the cost to the town (i.e. manpower, equipment, fuel, etc.).

TOWN BOARD

4/12/10 (Pg. 3)

Mr. Lloyd said the town currently has 3 grant funded projects underway through the Chaut. Co. Bed Tax that require in kind services from the highway department. He said the town had difficulty getting 2 of those projects started last year because of a poor construction season. He said these projects already place a great deal of time, etc. constraints on the town's resources.

Mr. Jablonski said that's fine, they don't really need any in kind support included in the resolution.

Mr. Sena said he felt that any type of decision by the town needed further information and discussion.

- MOTION #42 OF 2010
MR. SENA MOTIONED TO TABLE THE REQUEST FOR TOWN APPROVAL OF A RESOLUTION BY THE CWC FOR THE PURCHASE OF APPROXIMATELY 25 ACRES OF LOOMIS/GOOSE CREEK LANDS UNTIL FURTHER DISCUSSION AND MORE INFORMATION HAVE BEEN RECEIVED. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. Jablonski thanked the board for their time and indicated he would be available to return when necessary to discuss the matter.

CORRESPONDENCE:

Mrs. Carlson said the following correspondence has been received and is available for review:

1. TIME WARNER CABLE
2. CHAUTAUQUA CO. PLANNING & IDA – LWRP ADOPTION
3. INDEPENDENT HEALTH – CUSTOMER SERVICE PHONE #
4. NYS – ENVIRONMENTAL FACILITIES – WATER PROJECT
5. NYS DOT, KEITH GREGIORE – 94-A 66' ROAD (OLD BRIDGE)
6. NATIONAL GRID – CUSTOMER SATISFACTION SURVEY
7. NYS, OFFICE OF BUDGET MGMT. – COURT JCAP GRANT \$2,852.00
8. ASSOC. OF TOWNS – Legal Action – Finance School
9. CHAUT. CO. FINANCE – DOG TAX DISTRIBUTION \$270.80
10. STW – HOUGHTON COLLEGE 2010 EDUCATION CONFERENCE
STW – APPALACHIAN REGIONAL COMMISSION
11. ERNEST RUSSO LTR. – Federal Fishing Strategy – SNOPEs (false)
12. TOWN OF RIPLEY – DRAFT ENVIRONMENTAL IMPACT FOR RIPLEY/WESTFIELD WIND FARM
13. TOWN OF WESTFIELD - DRAFT EIS FOR WIND FARM

TOWN BOARD

4/12/10 (Pg. 4)

14. **PAYMENT SENT FOR ASHVILLE 4 CORNERS PROPERTIES**

15. **SUNY – GIS CONFERENCE**

16. **NYS DOT – NYS BRIDGE & CULVERT MAINTENANCE 6/23-24/10**

17. **NEWSLETTERS:**

Cornell Local Roads Programs

E&M Engineers

Public Employer Risk Mgmt. – Workman’s Comp

Mail Pro

Conewango Creek Watershed

18. **DON EMHART, SUPERVISOR, TOWN OF CHAUTAUQUA – Letter regarding Hanum Rd.**

Mrs. Carlson said Mr. Emhart advised the town that NYS intends to gate off the end of Hanum Rd. in the Town of Chautauqua to prevent access to the Chautauqua gorge. She said Mr. Emhart stated he did not know how the state could afford to build this gate when they clearly state they do not have the money to keep parks open.

19. **PARIDYM – Invitation to attend pipeline safety emergency class at Peak & Peek**

20. **HOLIDAY VALLEY – WNY**

21. **GREEN GARDEN EXPO**

22. **NYMIR INSURANCE – Letter requesting town’s proxy vote at 5/7/10 meeting**

• MOTION #43 OF 2010

MR. WHITNEY MOTIONED TO SIGN THE PROXY DOCUMENT REQUESTED BY NYMIR INSURANCE FOR THE VOTE TO BE HELD ON 5/7/10. MR. THOMAS SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

OLD BUSINESS:

• **DAVID & CARRIE MUNSEE – PROPOSAL FOR PRODUCE/TREE STAND AT TOWN PROPERTY LOCATED AT THE 4 CORNERS ASHVILLE**

Mrs. Carlson said she would like to continue to table this proposal because the town has grant funding for a rain garden project on the other lot and she would like to know more about how much of the land this project will encompass before making a decision. She said she thinks the Ashville Commons would be a good location for some type of farmers market.

• **REGNER PROPERTY**

Mr. Sena said an add was placed in the newspaper for salvage rights to the one car metal garage located on the property. He said the building has been removed by Mr. Zentz and he has also done some cleanup work at the property. Mr. Sena said Mr. Zentz has some heavy equipment and he had asked him how much it would cost the town to remove stumps, the concrete slab, etc. He said Mr. Zentz had quoted him a price of \$1,000.00 for the work which would include removing the concrete slab, stumps, debris, etc. He said he felt the cost was reasonable. He noted that some of the fill dirt removed from the Stow Area project had been placed at the site. He said during the clean up Mr. Zentz had found that there is not a brick walk located on the property, but that most of the yard is brick.

TOWN BOARD

4/12/10 (Pg. 5)

Mrs. Carlson said she had asked Mr. Ryan put the dirt there.

There was further general discussion of the cleanup and Mr. Ryan asked if it wouldn't be easier to use a dozer to remove the brick. He said he could get a dozer from the county and remove the brick.

- **HIGHWAY BUILDING**

Mr. Ryan said he had visited the new highway building at Sherman. He said the building is 120' long x 50' wide and had cost Sherman about \$320,000. He said the highway department had built the gravel pad it sits on and had contracted out for the rest of it. He said that the North Harmony highway building was built in 1954 for smaller equipment. He said it has no oil trap drains; blows out breakers on a regular basis; septic system goes into a tank and right out into a ditch (no leach field); and one entire end of the building is rotten. Mr. Ryan said if the board wished, he would set up an appointment for them to visit the Sherman building. He said the Sherman building was experiencing some problems with condensation.

Mr. Sena said it could be the insulation, ventilation or type of heating used that causes the condensation.

- **STOW AREA HYDROCARBON PROJECT**

Mrs. Carlson directed everyone's attention to the sign for the project and stated that it is a bed tax grant funded project. She said the total cost allocated for the project was \$40,000. The objective is to filter hydrocarbons, nitrates, tobacco, etc. before they go to the creek and on to the lake.

Mr. Emick asked what the town's total allocation for the project is.

Mr. Gould said the total bed tax funding for projects in the county was \$426,825.00.

Mrs. Lloyd said the town's share is not a percentage. He said to derive that figure you will have to determine the cost of fuel, labor, etc. from the highway dept. when the project is complete.

Mr. Emick asked what would happen if another business opens up in the project area and would this set some type of precedent.

Mr. Lloyd said the system could handle added capacity.

Mrs. Carlson said there was no precedent being set because the funding is a grant and is a demonstration project for the CLMC.

Mr. Emick asked who had approved the application for the grant.

Mrs. Carlson said the town board had approved the application for the grant monies and the county had awarded the grant based on the application.

There was further general discussion and it was determined that unless the town received grant funding, this type of project would not be started in other areas of the town.

Mr. Carlson said the town does believe in protecting our waterways.

Mr. Lloyd said the grant funding will come close to covering the entire project; materials, labor, etc. He said he feels that the broader population of the town wants to protect the streams, waterways and lakes.

Mrs. Emick asked Mr. Gould about a breakdown of the bed tax monies received and their allocation.

Mr. Gould said there is a 2% bed tax whose funds (\$426,000) are allocated for grant projects not to exceed \$40,000 for the preservation of clean water. He said there is also a 3% bed tax whose funds are allocated for tourism.

Mr. Emick asked about the debris (tree, limbs) in Ball creek off old bridge (behind Mr. Thomas' home).

Mrs. Carlson said the town has no authorization to be in the creek.

Mrs. Emick said Mr. Thomas should take it out of the creek because it has a direct effect on flooding.

Mr. Thomas said it is just a log jam and the creek is still moving under it.

Mr. Emick asked if the board has a list of priority projects it is working on.

TOWN BOARD

4/12/10 (Pg. 6)

Mr. Lloyd said projects include the Stow Area Hydrocarbon Project; Cheney Creek Project; Ashville Rain Garden Project; and they would also like to start some step projects on the hillsides of town roads leading down to the lake to reduce the volume and velocity of stormwater runoff into the lake.

- **LEGISLATIVE BREAKFAST – Sales Tax vs. Property Tax**

Mrs. Carlson said she and Mr. Thomas had attended the breakfast at which NYS Legislator, Bill Parment made it clear that he would not support the county's request to increase the sales tax.

- **DOCK AT LIGHTHOUSE PARK AND MEMORIAL WALKWAY**

Dock has been installed and the outhouse has been placed at the park.

Mr. Sena said he had spent some time checking out the situation at the park: He suggested the following actions:

- Lighthouse and pavilion need to be power washed
- door on ferry building needs to be replaced (Mr. Sena said he would donate his labor)
- the lighthouse is decaying on the inside (get estimate for repairs)
- Fishermen are placing dead fish in the pavilion trash can (place sign requesting "no fish" in the trash)
- Memorial bricks (51 ½' on sidewalk 173 ½' long) are coming out of the treks framework on the walkway. Mr. Sena would like to start fresh and use a heavy extruded aluminum track system at a cost of \$16 per 8' section to cover the entire length of the sidewalk.
- Inside lighthouse needs to be cleaned with Clorox and more ventilation added
- Corner on lighthouse has been damaged and needs repair
- Gables added to the pavilion and new siding

Mr. Sena said the highway had placed gravel in all the holes at the parking lot and when that tightens up maybe some screen or stone can be placed there.

Mr. Ryan said the only problem with that is that loose stone will get plowed off in the winter.

Mr. Sena said even without the ferry being open, there were a lot of people at the park. He said perhaps the board could get schools/organizations involved in various projects to improve the appearance and condition of the park. He said there are many things that could be done inexpensively to improve the condition of the park and he would provide a list and estimates for the work. He said this was particularly important since the 200th anniversary of the Ferry is coming up next year.

MOTION #44 OF 2010

MRS. CARLSON MOTIONED THAT THE TOWN PURCHASE THE NECESSARY AMOUNT OF EXTRUDED ALUMINUM TRACK AT AN ESTIMATED COST OF \$16 PER 8' SECTION FOR THE INSTALLATION OF THE MEMORIAL BRICKS ON THE ENTIRE LENGTH OF THE SIDEWALK AT THE LIGHTHOUSE PARK . MR SENA SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **BUTTS PARK**

Mr. Sena said the brush dump portion of the park is in a mess with the logging that was done. He said the whole idea of the logging was to get rid of the dead trees in the dump. He said the contractor had cut everything except the dead trees. He said one of the neighbors had been cutting firewood there and he had been approached by several others who wanted to take firewood and clean up the area.

Mrs. Best asked if they take the firewood, don't they need to sign a waiver of liability.

Mrs. Carlson said yes. She said Scott Thayer had signed a waiver a couple of years ago when he was taking firewood out of the park.

After general discussion it was decided that the board needs to address the issue of liability for persons removing firewood at the park.

TOWN BOARD

4/12/10 (Pg. 7)

Mr. Sena said it would be nice to have bases for the ball park.

Mrs. Carlson said there used to be bases, but they had been taken and she was not sure the same would not happen if new bases were purchased.

Mr. Lawson said that in Ashville they have a locked box for the breakaway style bases to be stored in.

Mr. Sena asked Mr. Ryan about signage on Spooner Road for hidden driveways and bus stops.

Mr. Ryan said he would get together with Mr. Sena to discuss the issue.

- **BEMUS PT./STOW FERRY BICENTENNIAL 2011 – Mtg. 4/27/10 at 7:00 PM**

Mrs. Carlson said anyone who was interested in being a part of bicentennial celebration was welcome to attend the meeting.

Mrs. Emick said with the anniversary coming up next year it would be good idea to place no parking signs for businesses at the ferry parking lot.

Mr. Sena noted that the catch basin at the ferry is really low.

Mr. Ryan said the highway could install some type of riser to help alleviate the problem.

- **NYS DEC REGULATIONS ON OPEN BURNING**

Mrs. Carlson said the board members had all received a copy of the new laws regarding opening burning in NYS. She said copies were available from herself or the clerk for anyone who wanted them.

There was general discussion of the requirements and it was noted that the law prohibits any burning between mid March and mid May on account of wild fire issues.

- **BOCES SEWER DISTRICT SEQR AND PUBLIC HEARING**

- **MOTION #45 OF 2010**

MR. WHITNEY MOTIONED TO ADOPT THE FOLLOWING RESOLUTION (WITH CORRECTION OF CR 83 TO CR 43) IN IT'S COMPLETE FORM, APPROVING THE CONSTRUCTION OF SEWER IMPROVEMENTS WITHIN AN AREA OF THE TOWN OUTSIDE OF ANY VILLAGES, ON BEHALF OF AN AREA WHICH HAS BEEN DETERMINED TO BE THE BENEFITED AREA KNOWN AS THE HEWES SEWER IMPROVEMENT AREA, AND MAKING OTHER DETERMINATIONS IN CONNECTION THEREWITH. MR. THOMAS SECONDED. MRS. CARLSON, YES; MR. WHITNEY, YES; MR. THOMAS, YES; MR. STOW, YES; MR. SENA, YES. THE MOTION WAS CARRIED UNANIMOUSLY.

A meeting of the Town Board of the Town of North Harmony, in the County of Chautauqua, New York, was held at the Town Hall, in said Town, on April 12, 2010.

**TOWN BOARD
4/12/10 (Pg. 8)**

PRESENT:

Hon. Sally P. Carlson, Supervisor
Ralph Whitney , Councilperson
Arthur Thomas , Councilperson
Frank Stow , Councilperson
Richard Sena , Councilperson

-----X

In the Matter

of the

Construction of Sewer Improvements in a Benefited Area known as the Hewes Sewer Improvement Area, Town of North Harmony, County of Chautauqua, New York, pursuant to Article 12-C of the Town Law.

RESOLUTION APPROVING THE CONSTRUCTION OF SEWER IMPROVEMENTS WITHIN AN AREA OF THE TOWN OUTSIDE OF ANY VILLAGES, ON BEHALF OF AN AREA WHICH HAS BEEN DETERMINED TO BE THE BENEFITED AREA KNOWN AS THE HEWES SEWER IMPROVEMENT AREA, AND MAKING OTHER DETERMINATIONS IN CONNECTION THEREWITH.

WHEREAS, the Town Board of the Town of North Harmony (herein called "Town Board" and "Town", respectively), in the County of Chautauqua, New York, has, pursuant to Town Law Article 12-C, has caused Mark D. Alianello, P.E., competent engineers duly licensed by the State of New York, to prepare a map, plan and report for the Hewes Sewer Improvement Area (the "Improvement Area"), in the Town of North Harmony, consisting of the construction and installation of approximately 1,250 linear feet of 8-inch gravity sewer main and new manholes, including connections and other improvements and costs incidental thereto, land or rights in land, equipment, machinery, furnishings appurtenances and related site work, including apparatus, preliminary costs and other improvements and costs incidental thereto (the "Sewer Improvement") to serve the Erie 2 Chautauqua – Cattaraugus BOCES Raymond T. Hewes Education Center located on Route 394 at the junction of Route 43, all within an area of Town outside of any villages, which area will be determined to be determined to be the benefited area, which map, plan and report has been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, the proposed Sewer Improvement will benefit the entire area, which area is outside any villages and is described as follows:

All That Tract or Parcel of Land, situated in the Town of North Harmony, County of Chautauqua, State of New York being part of Lot 47, Township 2, Range 12 of the Holland Land Company's Survey described as follows: Commencing at an iron stake marking the

TOWN BOARD

4/12/10 (Pg. 9)

southeast corner of said Lot 47, thence westerly along the south line of said Lot 47 a distance of 220.9 feet, more or less, to an iron stake in the centerline of County Road 43; thence continuing south $89^{\circ} 52'$ west along the south line of said Lot 47 a distance of 881.25 feet, more or less, to the **Place or Point of Beginning**, which point is the southeast corner of a parcel conveyed to the Board of Cooperative Educational Services for the Sole Supervisory District of Chautauqua County, described in a deed filed in the Chautauqua County Clerk's Office in Liber 1334 at Page 15; thence north $0^{\circ} 32'$ west a distance of 173 feet, more or less, to a point; thence easterly along a straight line a distance of approximately 813 feet, more or less, to a point in the centerline of said County Road 43; thence north $24^{\circ} 32'$ west along the centerline of said County Road 43 a distance of approximately 1505 feet, more or less, to an iron stake located at the intersection of the centerlines of New York State Route 394 and County Road 43; thence north $20^{\circ} 47'$ west along the centerline of said New York State Route 394 a distance of approximately 738 feet, more or less, to the southeast corner of lands conveyed to Jack R. Vogt, described in a deed filed in the Chautauqua County Clerk's Office in Liber 1966 at Page 566; thence westerly along the south bounds of said Vogt lands a distance of approximately 281 feet, more or less, to the southwest corner of said Vogt lands; thence northerly along the west bounds of said Vogt lands a distance of approximately 150 feet, more or less, to the northwest corner of said Vogt lands; thence easterly along the north bounds of said Vogt lands a distance of approximately 281 feet, more or less, to the northeast corner of said Vogt lands, which point in the centerline of said New York State Route 394; thence north $20^{\circ} 47'$ west along the centerline of said New York State Route 394 a distance of approximately 415 feet, more or less, to an iron stake; thence south $45^{\circ} 46'$ west a distance of 89 feet, more or less, to a point; thence south $40^{\circ} 28'$ west a distance of 1804.5 feet, more or less, to an iron stake; thence south $85^{\circ} 44'$ west a distance of 504 feet, more or less, to an iron stake; thence north $68^{\circ} 51'$ west a distance of 913.6 feet, more or less, to an iron stake located in the west line of said Lot 47; thence south $0^{\circ} 24'$ east along the west line of said Lot 47 a distance of 502.2 feet, more or less, to a point; thence north $89^{\circ} 36'$ east a distance of 750 feet, more or less, to a point; thence south $0^{\circ} 24'$ east along a line parallel to the west line of said Lot 47 a distance of 522.7 feet, more or less, to a point; thence south $89^{\circ} 36'$ west a distance of 750 feet, more or less, to a point in the west line of said Lot 47; thence south $0^{\circ} 24'$ east along the west line of said Lot 47 a distance of 600 feet, more or less, to a stake marking the southwest corner of said Lot 47; thence north $89^{\circ} 52'$ east along the south line of said Lot 47 a distance of 2860.85 feet, more or less, **Returning to the Place and Point of Beginning.**

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such map, plan and report for the establishment of the Improvement Area and the construction and installation of improvements therein and has estimated the total cost thereof to be \$123,000, and the issuance of serial bonds in an amount not to exceed \$123,000 offset by any federal, state, county and/or local funds received, with the balance of the costs of said serial bonds to be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Improvement Area, and the Town Board shall apportion and assess upon and collect from the several lots and parcels of land so deemed benefited, so much upon and from each as shall be in just proportion to the amount of benefit which shall be conferred upon the same; and

TOWN BOARD
4/12/10 (Pg. 10)

WHEREAS, the Town Board has given due consideration to the impact that the establishment of the Improvement Area may have on the environment and on the basis of such consideration, the Town Board found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, which has been filed in the office of the Town Clerk; and

WHEREAS, the Town Board issued an Order at its March 8, 2010 meeting calling for a public hearing to be held at the Town Hall, Stow, New York, on April 12, 2010 at 7:45 o'clock P.M. (prevailing Time), to consider the establishment of the Improvement Area and the construction and installation of improvements therein, and to hear all persons interested in the subject thereof, and further ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper of the Town for such publication, post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law and to mail to each owner of the taxable real property in the Improvement Area, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing; and

WHEREAS, certified copies of such order were duly published and posted pursuant to the provisions of Article 12-C of the Town Law, and the public hearing duly held at the time and place stated in the notices.

NOW THEREFORE BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF NORTH HARMONY, as follows:

DETERMINED, that it is in the public interest to establish the Improvement Area as hereinabove described and referred to at the estimated maximum cost of \$123,000, and it is hereby

DETERMINED, that the parcels and lots of the Improvement Area shall be benefited by said establishment of the Improvement Area; and it is hereby

DETERMINED, that all parcels and lots benefited by the improvements are included in the Improvement Area; and it is hereby

DETERMINED, that the estimated expense to the Town of such improvement will not exceed one-tenth of one per centum of the full valuation of the taxable real property in the area of the Town outside of the Village. Therefore, permission of the State Comptroller is not required, and it is hereby

ORDERED, that the Improvement Area shall be established and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense for said establishment of the Improvement Area, and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible, and it is hereby

TOWN BOARD
4/12/10 (Pg. 11)

FURTHER ORDERED, that the expense of said establishment of the Improvement Area shall be financed by the issuance of serial bonds of the Town in an amount not to exceed \$123,000 offset by any federal, state, county and/or local funds received, with the cost of said serial bonds to be paid by a benefit assessment on the various lots and parcels of the Improvement Area in the manner provided by law, and it is hereby

FURTHER ORDERED, that the Town Board may establish sewer rents as provided in paragraph (l) of subdivision one of Town Law Section 198.

FURTHER ORDERED, that this resolution shall take effect immediately; and it is hereby

FURTHER ORDERED, that the Town Clerk shall cause a certified copy of this Resolution to be duly recorded in the office of the clerk of Chautauqua County within ten (10) days after the adoption of this Resolution.

- MOTION #46 OF 2010
MR. STOW MOTIONED TO APPROVE THE FOLLOWING BOND RESOLUTION DATED APRIL 12, 2010, IN IT'S COMPLETE FORM, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS WITHIN THE HEWES SEWER IMPROVEMENT AREA, AT AN ESTIMATED MAXIMUM COST OF \$123,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$123,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR. MR. THOMAS SECONDED. MRS. CARLSON, YES; MR. WHITNEY, YES; MR. THOMAS, YES; MR. STOW, YES; MR. SENA, YES. THE MOTION WAS CARRIED UNANIMOUSLY.

A BOND RESOLUTION, DATED APRIL 12, 2010, OF THE TOWN BOARD OF THE TOWN OF NORTH HARMONY, CHAUTAUQUA COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS WITHIN THE HEWES SEWER IMPROVEMENT AREA, AT AN ESTIMATED MAXIMUM COST OF \$123,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$123,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, the Town Board of the Town of North Harmony, Chautauqua County, New York (the "Town"), has determined to proceed with the establishment of the Hewes Sewer Improvement Area (the "Improvement Area"); and

TOWN BOARD

4/12/10 (Pg. 12)

WHEREAS, the Town Board desires to undertake the construction of Sewer Improvements in the Improvement Area in the Town of North Harmony, consisting of the construction and installation of approximately 1,250 linear feet of 8-inch gravity sewer main and new manholes, including connections and other improvements and costs incidental thereto, land or rights in land, equipment, machinery, furnishings appurtenances and related site work, including apparatus, preliminary costs and other improvements and costs incidental thereto (the "Sewer Improvement") to serve the Erie 2 Chautauqua – Cattaraugus BOCES Raymond T. Hewes Education Center located on Route 394 at the junction of Route 43, all within an area of Town outside of any villages, which area will be determined to be the benefited area, which map, plan and report has been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of the Sewer Improvement; and

BE IT RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the construction of improvements of the Hewes Sewer Improvement Area (the "Improvement Area") in the Town of North Harmony. The estimated maximum cost of said purpose is \$123,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an amount not to exceed \$123,000 of said Town, to be offset by any federal, state, county and/or local funds received, hereby authorized to be issued therefore pursuant to the Local Finance Law, and the costs will be assessed by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Improvement Area, which the Town Board shall determine to be especially benefited by said Improvement Area, so much upon and from each as shall be in just proportion to the amount of benefit which the Improvement Area shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. Unless paid from other sources, there shall annually be levied on the various lot and parcels of said Improvement Area a benefit assessment sufficient to pay the principal of and interest on such bonds as the same become due and payable. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on

TOWN BOARD

4/12/10 (Pg. 13)

all taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of such bonds, and the renewals of such notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if

(1) (a) such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) if the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

TOWN BOARD

4/12/10 (Pg. 14)

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

- (2) such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 13. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

This Resolution is effective immediately.

NEW BUSINESS:

- **SUPERVISOR'S ANNUAL REPORT – Has been filed with the NYS Comptroller**

- **CLMC ROADSIDE CLEANUP**

Mrs. Carlson said the CLMC is encouraging roadside cleanup in the county. She said they are particularly asking that individuals clean up their roads during Earth Day week 4/21-26/10. She said with the weather being so nice, many people had already begun to pick up their roadsides. She said this type of clean up helps prevent the trash from getting into the watershed.

- **UNUSED PORTION OF OLD BRIDGE BEYOND WHERE BRIDGE USED TO BE**

Mrs. Carlson said Tim Rice has expressed an interest in purchasing the Road ROW between where the bridge used to go over the creek and where the cul-de-sac is on Old Bridge Road that currently belongs to the town. She said Mr. Rice said he would have the property surveyed and take care of the deed work. She said this would put the property back on the tax roll.

Mr. Ryan said it is an abandoned highway.

- **MOTION #47 OF 2010**

ON A MOTION MADE BY MR. SENA AND SECONDED BY MR. THOMAS THE BOARD TABLED ANY ACTION ON THE SALE OF TOWN PROPERTY LOCATED NEAR THE CUL-DE-SAC ON OLD BRIDGE ROAD UNTIL FURTHER REVIEW AND DISCUSSION. THE MOTION WAS CARRIED UNANIMOUSLY.

- **VOTING MACHINES – STORAGE BLDG. OR DISPOSAL**

Mrs. Carlson said the town building is running out of storage space in the back room. She said the court has a doorway that needs to be located in the back room and asked what the board wished to do about the voting machines. There are two machines and if one were disposed of it would still leave a machine in case of any type of referendum vote. She said Harmony Historical had taken an older machine which does not work and suggested we give one to them.

Mrs. Miller asked if the Fire District might have interest in a machine for their voting purposes. She said she would approach the department and see if they are interested.

Mr. Gould said the town might need them as there is a case currently where NYS is being sued over the use of the new scan type voting machines.

There was further discussion and it was decided to table the issue.

TOWN BOARD
4/12/10 (Pg. 15)

Mr. Bensink said the court would like to have metal shelving on three of the walls in the back room. He said there would probably be room for the voting machines.

- **PAYMENT/RENEW B.A.N.'S 5/2010:**

<u>MITCHELL PROPERTY</u>	
PRINCIPLE \$56,000.00	
INT. \$ 3,373.19	

<u>BOCES SUNRISE COVE</u>	
PRINCIPLE \$14,100.00	
INT. \$ 6,247.40	

Mrs. Carlson indicated that the principle payment on the Mitchell Property is a payoff amount.

- **MOTION #48 OF 2010**

MR. WHITNEY MOTIONED TO AUTHORIZE A FINAL PAYOUT ON THE MITCHELL PROPERTY B.A.N. IN THE AMOUNT OF PRINCIPLE: \$56,000.00 AND INTEREST: \$3,373.19. MR. STOW SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **MOTION #49 OF 2010**

MR. STOW MOTIONED TO AUTHORIZE PAYMENT ON THE BOCES SUNRISE COVE B.A.N. IN THE AMOUNT OF PRINCIPLE: \$14,100.00 AND INTEREST: \$6,247.40 AND FURTHER ORDERED THAT THE B.A.N. BE RENEWED FOR 2011 AT A PRINCIPLE AMOUNT OF \$149,900. MR. SENA SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **MEMORIAL PLANTING FOR MARLENE MILLER AT LIGHTHOUSE PARK**

Mrs. Carlson said that Gary Miller, Lakeside Auto Court, has requested that he be allowed to plant a lilac bush and place a small plaque in Marlene Miller's memory at the Lighthouse Park.

- **MOTION #50 OF 2010**

MR. SENA MADE A MOTION AUTHORIZING GARY MILLER TO PLANT A LILAC BUSH AND PLACE A SMALL PLAQUE IN MEMORY OF MARLENE MILLER AT LIGHTHOUSE PARK. MR. THOMAS SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **DON SMITH – WILD ROSE CEMETERY**

Mrs. Carlson said the town has had the cemetery surveyed and Mr. Smith's garden is apparently located on a portion of the newly surveyed area. Mr. Smith requested that he be allowed to use it for his garden this year. She asked if any board members had any objection to this.

Mrs. Thomas asked if that would interfere with the process of laying out lots in the surveyed area.

Mrs. Carlson said it should not.

The board expressed no objection to Mr. Smith using the land this year for his garden.

- **PUBLIC HEARING AND SEQRA ON ADDITION OF 40,000 SQ. FT. LAW ADDITION TO ZONING ORDINANCE**

- **MOTION #51 OF 2010**

MR. SENA MOTIONED TO HOLD A PUBLIC HEARING AND SEQRA ON THE ADDITION TO THE ZONING ORDINANCE OF THE 40,000 SQ. FT. LOT SIZE REQUIREMENT AS OUTLINED BY CHAUTAUQUA COUNTY HEALTH DEPARTMENT ON MAY 10, 2010, AT

7:30 PM, PRIOR TO THE REGULARLY SCHEDULED BOARD MEETING. MR. STOW SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **2010 – 2011 MOWING BIDS FOR TOWN PROPERTIES:**

Mrs. Carlson said only one bid had been received for the mowing of town properties. She said the bid had been received from our current contractor Brad Swanson. She said Mr. Swanson had indicated in his bid that there were no changes to the bid amount from his contract for 2008-2009 and the only possible increase would be \$2.00 per property if gas prices exceed \$4.25/gal.

- **MOTION #52 OF 2010**

MR. STOW MOTIONED TO ACCEPT THE BID OF BRAD SWANSON FOR THE 2010-2011 MOWING OF TOWN PROPERTIES. BUTTS PARK, \$60; ASHVILLE COMMONS, \$80; VETERANS PARK, \$35; COMMUNITY BUILDING, \$35; HIGHWAY GARAGE, \$15; WILD ROSE CEMETERY, \$40; BLY HILL CEMETERY, \$25; STOW FERRY PARKING AREA, \$25; RT. 394 INTERSECTION, \$10; GENERAL CLEANUP, \$9.50/HR. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **ROBERTA HOLLENBECK – YOUNG CONSERVATIONIST’S**

Mrs. Carlson said Ms. Hollenbeck has requested the use of the Community Building for their meetings.

Mrs. Thomas said Ms. Hollenbeck said they are currently applying for their 501-3C status and group numbers are not known at the present time.

Mrs. Carlson said the board would entertain the request when more information is received from Ms. Hollenbeck.

- **JAMESTOWN KITCHEN & BATH – QUOTE FOR RENOVATIONS TO THE TOWN CLERK’S OFFICE**

Mrs. Carlson said the clerk had received a quote from Jamestown Kitchen & Bath for renovations to the clerk’s office.

- **MOTION #53 OF 2010**

MR. THOMAS MOTIONED TO ACCEPT THE QUOTE FROM JAMESTOWN KITCHEN & BATH FOR RENOVATIONS TO THE TOWN CLERK’S OFFICE AS FOLLOWS:

<u>Countertops:</u>	<u>\$1,123.00</u>
<u>Casework with modifications:</u>	<u>\$ 600.30</u>
<u>Labor to remove, repair and install new material</u>	<u>\$1,000.00</u>
<u>TOTAL:</u>	<u>\$2,723.30</u>

MR. SENA SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **REPORTS:**

JAY GOULD, LEGISLATOR

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

- New Legislator David Himelein of Findley Lake elected for District 21 (replace James Caffish)
- Resolution in recognition of Earth Day approving waiver of user fees for refuse collected by the community and groups between 4/17/10 and 5/8/10.

TOWN BOARD

4/12/10 (Pg. 17)

- Grant for technical rescue equipment 8/1/09 – 7/31/12 in the amount of \$57,575
- Grant for Violence Against Women Recovery Act of \$10,170 for D.A. wages
- Consolidation of Westfield, Ripley and Portland as a single Ag District. Goal is 7 districts county wide.
- Resolutions leasing space due to fire in north county for Mental Hygiene; Health Dept., Probation, Veterans; Social Services
- Request for sales tax increase from 7.75% to 8.25% was largest issue. Issue was tabled with another request coming in April to keep sales tax at 7.75% as opposed to planned reduction to 7.50%. Mr. Gould said he was in favor of this.
- James Cafilish appointed Clerk of the Legislature; Fred Croscut appointed Chairman of Legislature
- Local Law reducing Legislature to 15 members to be voted on at April meeting. Mr. Gould said he was not in favor of that law because it gives too much power to too few people.

RANDY HOLCOMB, ASSESSOR (written report)

Mr. Whitney reviewed the report for those present.

2010 Grievance Day scheduled for Wed., 5/26/10 (hours 3-8:00 PM) at the municipal building in Mayville. Clayton Emick appointed to the Board of Assessment Review for the Town of North Harmony. The report indicated that work continues on the valuation of new construction and demolition. Legal notice for the tentative assessment roll will appear on 5/1/10 as required by NYS.

GARY RYAN, HIGHWAY SUPERINTENDENT

Mr. Ryan said the highway has been working on the Stow Area Hydrocarbon Project and grading some of the dirt roads in the town.

Mrs. Carlson said while the Stow Area Project has been worked on they have also been working on some diagonal parking spaces behind Hogan's Hut to implement a park and ride area. She said the town had hired an architectural designer and he had suggested the diagonal parking as opposed to the parallel parking. She said the diagonal parking will be easier for plow operators to maintain.

Mr. Sena asked about work on road shoulders.

Mr. Ryan said he plans to do some shoulder work when he has the time.

Mr. Stow asked Mr. Ryan about the bee problem on the external chimney at the highway building.

Mr. Ryan said he has not seen any bees around yet.

Mr. Stow asked Mr. Lawson if the external chimney needs to be replaced.

Mr. Lawson said yes, if they intend to use it, the code requires it. He said he would meet with Mr. Ryan to look at the situation.

HOWARD PEACOCK / EVERETT BENSINK, JUSTICES

Mr. Bensink said the court has started their grant funded remodeling process. He said the court was closed for two weeks for remodeling and because the clerk was on vacation. He said for the first two weeks of April the clerk has downloaded 231 traffic tickets. He said that number is more than what is normally done in an entire month and is connected to the construction on I-86.

Mr. Peacock said the dutch door for the clerk's office should be in soon and they are getting ready to construct the exit door in the back room.

Mrs. Carlson asked if the wiring has been completed.

Mr. Peacock said he was not sure, but would check with the contractor.

BRAD LAWSON, ZONING CEO

Mr. Lawson said his office is getting busier. He said there are two large additions about to be started; one home demo and new home going up on that land; new home on new lot in Chautauqua Escapes.

TOWN BOARD
4/12/10 (Pg. 18)

He said he has received 2 more calls on new homes at a cost of \$250,000 and \$200,000.

DAVE LLOYD, STORMWATER PLANNING

Mr. Lloyd said the Stow Project has been completed as far as Hogan's and may be completed as soon as the end of next week. He said that portion has taken a little more time because they are working alongside a 6" gas main line. He said Mr. Ryan would like to start the Cheney Creek Project as soon as the Stow project is complete. He said he attended at his own expense a Stormwater Conference and Trade Show on 3/25/10, in Buffalo, with Kim Sherwood. He said they had attended 3 green infrastructure sessions and 1 construction activity session. He said he has been studying the concept of volume based hydrology as it relates to the construction of new roads, housing, etc. He said the concept is to mimic nature in the slowdown of water volume energy to prevent soil erosion and contaminants in the lake. He said he has also been studying the use of permeable pavement and there will be some test studies using it in the Buffalo area. He said he has been researching wetland storage areas which are used to slow down runoff during high volume rains in relation to a possible project on Butts Road. He asked about the installation of the pipe on Rt. 474 town lots across to Mildred's.

Mr. Ryan said he would try to get to the project this summer.

Mr. Lloyd said he would like to try and get some help from NYS on the project. He said the state has a head wall at the end that will have to be torn out to connect to the pipe. He said he has done some investigation on the size of the Old Bridge Rd. ROW. He said it has been determined that both the Old Bridge Roads are 66' ROW's.

NANCY THOMAS, TOWN CLERK

Mrs. Thomas said she returned the 2010 tax roll to the county on 4/12/10. She said that of the Original Warrant amount of \$3,167,079.50, \$2,881,831.99 has been collected, with unpaid taxes totaling \$285,247.51 (9.01%). She noted that NYS had not paid \$13,767.34 in taxes due on their lands in North Harmony.

MOTION #54 OF 2010

ON A MOTION MADE BY MR. SENA AND SECONDED BY MR. STOW, THE TOWN CLERK'S REPORT WAS ACCEPTED AS PRESENTED AND THE MOTION WAS CARRIED UNANIMOUSLY.

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

MOTION #55 OF 2010

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

MOTION #56 OF 2010

MR. WHITNEY MOTIONED TO APPROVE PAYMENT OF THE GENERAL FUND VOUCHERS AS AUDITED AND REVIEWED EARLIER. MR. SENA SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

TOWN BOARD

4/12/10 (Pg. 19)

MOTION #57 OF 2010

MR. WHITNEY MOTIONED TO APPROVE THE PAYMENT OF THE HIGHWAY FUND VOUCHERS AS AUDITED AND REVIEWED EARLIER. MR. STOW SECONDED **AND THE MOTION WAS CARRIED UNANIMOUSLY.**

MOTION #58 OF 2010

MR. SENA MOTIONED FOR ADJOURNMENT AT 10:15 PM. MR. THOMAS SECONDED **AND THE MOTION WAS CARRIED UNANIMOUSLY.**

Nancy Thomas
Town Clerk