

**TOWN OF NORTH HARMONY
TOWN BOARD MEETING
MONDAY 1/11/10 8:00 PM**

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

OTHERS PRESENT: Jay Gould, Legislator; Dave Stapleton, Attorney; Brad Lawson, Zoning C.E.O.; Pat O'Brien, Bill Stratton, Highway M.E.O.'s; Robin Miller, Bookkeeper; Howard Peacock, Everett Bensink, Justice; Helen & Clayton Emick; Lynn Smith, Betty Ryan, Penny Best, Deputy Town Clerk; Nancy Thomas, Town Clerk

- **8:00 – PLEDGE**

- **MINUTES:**

MOTION # 2 OF 2010

ON A MOTION MADE BY MR. THOMAS AND SECONDED BY MR. WHITNEY, THE MINUTES OF THE 12/14/09 AND 12/28/09 (YEAR END) BOARD MEETINGS WERE ACCEPTED AS PRESENTED BY THE TOWN CLERK. **THE MOTION WAS CARRIED UNANIMOUSLY.**

- **ANNOUNCEMENTS:**

- **PUBLIC COMMENT:**

LYNN SMITH

Mrs. Smith complimented the Highway Department on the job they have been doing on the town roads.

- **CORRESPONDENCE:**

1. **MDA – Nancy & Sally “In Jail” Tuesday 11:00 AM 1/12/10 at Applebee’s – We could use your support!**

Mrs. Carlson said Mrs. Thomas would not be able to attend and said that if anyone wished to contribute to her “bail” she would appreciate it.

2. **TIME WARNER CABLE**

Information was provided on rate increases of \$2.00 basic service and \$4.00 on standard service. Also, information provided on channels that might be dropped.

3. **CHAUTAUQUA WATERSHED CONSERVANCY – Shed News**

- **Awarded Matching Fund Grant \$209,677.00 from NYS EPA to preserve Wells Bay lake shore forest**

- **Walking tour – 1/30/10 of CWC’s proposed Goose Creek Preserve on Rt. 394**
Mrs. Carlson said she assumes this is on the wetlands near Ashville Bay Marina.

4. **NYS COMPROLLER**

Town Special District Threshold Establishments (Maximum expended per year including debt service, operation and maintenance) Sewer - \$886.00; Water - \$677.00

5. **SOUTH & CENTER SEWER – Copy of sewer extension capacity report for Ashville area**

Mrs. Carlson said the report stated the only way for the sewer extension to go forth in Ashville is if the project gets 85% funding if the federal government has a second round of stimulus grants.

6. **NYS DOT – Letter to Highway Sup’t. concerning energy and energy funding**

Mrs. Carlson said the applications for these funds were due by 2/17/10, for transportation system implementation projects (i.e. programs to reduce vehicle miles traveled).

Mr. Sena asked why Time Warner has decided to extend services to Deerwood Estates of Ramsey Rd. when they had already refused to extend to other local roads.

Mrs. Carlson said when she had spoken to their representative; she was told they would not be extending service on any town roads.

Mr. Lawson said he believed that the cable had already been in the ground in anticipation of the development being located there.

REORGANIZATION:

Mrs. Carlson said that the Salaries for 2010 had been approved but the various individuals appointed had not been specified. Mrs. Carlson read through the list of appointments

Mrs. Thomas said there was an issue with hourly salary rates because the computer program the bookkeeper uses cannot divide ½ hour work increments into uneven salary amounts (i.e. \$13.75/HR). She said the hourly rates need to be even numbers.

There was further general discussion of the issue.

MOTION #3 OF 2010

MR. THOMAS MOTIONED TO ACCEPT THE FOLLOWING APPOINTMENTS AND OFFICIAL ENTITIES AND INCREASE BY \$.01 ALL HOURLY PAY RATES IN ORDER TO ACHIEVE AN EVEN NUMERICAL FIGURE (i.e. \$13.75/HR increases to \$13.76/HR). Vickie Stow, Court Clerk; Rene Yates, Deputy Court Clerk; Barbara Peacock, Deputy Court Clerk; Penny Best, Deputy Town Clerk; Robin Miller, Bookkeeper; Penny Best, Historian; Charlotte Grover, Animal Control; Frank Stow, Deputy Animal Control; Nancy Thomas, Registrar; Penny Best, Deputy Registrar; Ralph Whitney, Deputy Supervisor; Robin Miller, Personnel Officer; Todd Eddy, Deputy Highway Sup’t.; Brad Lawson, Zoning C.E.O.; Don Kayner, Deputy Zoning C.E.O.; Dave Stapleton, Town Attorney; M&T, Official Bank; Jamestown Post Journal, Official Newspaper; Mileage Rate 2010 is \$.50/mile; Petty Cash funds: Town Justice (Howard Peacock \$200); Town Justice (Everett Bensink \$200); Town Clerk \$200; Highway Sup’t. \$200. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **Appointment of Louise Ortman as Zoning Board of Appeals Alternate**

MOTION #4 OF 2010

ON A MOTION MADE BY WHITNEY AND SECONDED BY MR. SENA, LOUISE ORTMAN WAS APPOINTED AS AN ALTERNATE ON THE ZONING BOARD OF APPEALS (REPLACING PAUL SILZLE) EFFECTIVE 1/1/2010 - . THE MOTION WAS CARRIED UNANIMOUSLY.

- Appointment of Pat Rice as Planning Board Chairman 1/1/10 – 12/31/16
- Appointment of Joe Komar to Zoning Board of Appeals 1/1/10 – 12/31/16

MOTION #5 OF 2010

ON A MOTION MADE BY MR. SENA AND SECONDED BY MR. THOMAS THE FOLLOWING APPOINTMENTS WERE MADE:

- PAT RICE, CHAIRMAN, PLANNING BOARD 1/1/10 – 12/31/16
- JOE KOMAR, ZONING BOARD OF APPEALS 1/1/10 – 12/31/16

THE MOTION WAS CARRIED UNANIMOUSLY.

- HIGHWAY DEPARTMENT

MOTION #6 OF 2010

ON A MOTION MADE BY MR. STOW AND SECONDED BY MR.SENA THE HIGHWAY SUPERINTENDENT WAS AUTHORIZED TO:

- POST ROADS
- BID FOR MATERIALS – COUNTY AND STATE
- ATTEND HIGHWAY SCHOOL

THE SUPERVISOR WAS AUTHORIZED TO:

- SIGN THE AGREEMENT TO SPEND HIGHWAY FUNDS
- RENEW THE SHARED SERVICES CONTRACT WITH CHAUTAUQUA COUNTY

Discussion: Mrs. Carlson said in the past the agreement to spend highway funds had been for the expenditure of the entire General Repairs budget. She said Mr. Ryan has included funds from DR5110.4, DA5112.4 and the DB5120.4. She said she has indicated those items on the top of the agreement.

THE MOTION WAS CARRIED UNANIMOUSLY.

- COMMITTEES:

Mr. Sena asked about reorganization of committees. He said he would be willing to serve on any committees the board felt appropriate.

Mrs. Thomas said that since Mr. Sena has been working on the Regner property which the town purchased, perhaps he would want to serve on the Parks Committee.

Mr. Whitney agreed to remove himself from the Parks Committee and allow Mr. Sena to take that position.

It was agreed that this change would be made to the Reorganization Schedule.

Mr. Sena asked if anything further had been mentioned about the tripod on the lake to determine the date that the ice goes. *(This discussion took place approximately one year ago and was spear headed by a gentleman from Bemus)*

Mrs. Carlson said she had heard nothing more on the idea.

- **AUTHORIZATION OF TOWN OFFICIALS TO ATTEND MONTHLY MEETINGS**

MOTION #7 OF 2010

ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. SENA, TOWN OFFICIALS WERE AUTHORIZED TO ATTEND MONTHLY MEETINGS. THE MOTION WAS CARRIED UNANIMOUSLY.

- **AUDIT OF JUSTICE COURT BOOKS**

Mrs. Carlson said the board had audited the Justice Court books at the 1/5/10 meeting and a motion needed to be made so that when the Unified Court System requests it, the audit can be confirmed.

MOTION #8 OF 2010

ON A MOTION MADE BY MR. THOMAS AND SECONDED BY MR. WHITNEY IT WAS DECLARED THAT THE JUSTICE COURT BOOKS OF JUSTICES' HOWARD PEACOCK AND EVERETT BENSINK WERE AUDITED ON JANUARY 5, 2010, BY THE TOWN BOARD AND FOUND TO BE IN GOOD ORDER. THE MOTION WAS CARRIED UNANIMOUSLY.

- **OLD BUSINESS:**

- **McGRAW / BOOTY BAY PROPERTY FOR SALE**

Mrs. Carlson said there was an article in the Post Journal this morning stating that the McGraw/Booty Bay property has been placed on the market for an asking price of \$3,000,000.00. She said she believed Mr. McGraw had paid \$2,300,000.00 for the property, but was not sure if that had included his cottage.

- **NEW BUSINESS:**

- **HIGHWAY DEPARTMENT F-150 2010 TRUCK**

Mrs. Carlson said Mr. Ryan has received prices for a new F150 truck to replace the Ford F250 that is currently in use. She said on the Chautauqua County state bid specifications Shults Chevrolet is willing to trade for \$4,946.06 and that includes everything.

Mr. Sena asked if the plow that is for the current truck would be a part of the trade.

Mr. Ryan said no, he would keep the plow.

MOTION #9 OF 2010

ON A MOTION MADE BY MR. SENA AND SECONDED BY MR. WHITNEY, THE TRADE IN OF THE HIGHWAY SUPERINTENDENT'S F250 FOR A 2010 F150 TRUCK FROM SHULTS AUTO GROUP AT A COST OF \$4,496.06 WAS APPROVED. THE MOTION WAS CARRIED UNANIMOUSLY.

- **BIDS FOR HIGHWAY DEPARTMENT TRACTOR**

Mrs. Carlson said two bids had been received and opened on 1/8/10 for a new tractor.

- **Zahm & Matson (Z&M Ag & Turf) – John Deere \$38,690.00 (includes freight, setup and delivery)**
- **Wiggers & Sons – New Holland \$42,000.00**

Mr. Ryan said both bids had met all specifications required but John Deere tractors have a better resale value. He said the prices are off state bid.

MOTION #10 OF 2010

MR. SENA MOTIONED TO ACCEPT THE BID OF Z&M AG AND TURF (ZAHM & MATSON) FOR A JOHN DEERE TRACTOR WHICH INCLUDES ALL ITEMS OUTLINED IN THE BID SPECIFICATIONS AT A COST OF \$38,690.00. MR. THOMAS SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **2010 BUDGET AMENDMENT – HIGHWAY FUND DM5130.2 \$3,186.00**

Mrs. Carlson said the budget needs to be amended to increase Highway Fund DM5130.2 by \$3,186.00. She said the budget for DM5130.2 Equipment was \$40,000.00. She said Mr. Ryan had money left in his 2009 budget that can be used to do that.

MOTION #11 2010

ON A MOTION MADE BY MR. THOMAS AND SECONDED BY MR. SENA, THE 2010 HIGHWAY FUND BUDGET ITEM DM5130.2 EQUIPMENT WAS AMENDED BY AN INCREASE OF \$3,186.00 (TOTAL BUDGET \$43,186.00). THE MOTION WAS CARRIED UNANIMOUSLY.

MOTION #12 OF 2010

ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. WHITNEY, THE HIGHWAY SUPERINTENDENT WAS AUTHORIZED TO PURCHASE FUEL FROM R.O. PROPER AND SONS AT THE STATE BID PRICE. THE MOTION WAS CARRIED UNANIMOUSLY.

- **2010 EMPLOYEE HANDBOOK REVISIONS/ADDITIONS**

Mrs. Carlson said the following changes need to be made to the Employee Handbook:

- **Page 14 – Article 7 - Highway Employees’ Wage Schedule - needs to be adjusted to reflect current wage scale**
- **Page 17 – Article 11 – Highway Employees’ Paid Vacation Days - Addition: *Two week prior notice will be required for a week or more vacation. Approval by the Highway Superintendent will be required.***
- **Page 17 – Article 12 – Part Time Employees’ Paid Vacation Days – Addition: *Two week prior notice will be required for a week or more vacation with the approval of the Town Justice, Supervisor or Town Clerk.***
- **Page 19 – Article 18.2 – Addition – *PART TIME EMPLOYEES’ ACCRUED VACATION DAYS – Not to exceed 180 hours at Retirement.***
- **Page 21 – Article 23 – Mileage – adjusted to reflect mileage rate of \$.50/mile**

MOTION #13 OF 2010

ON A MOTION MADE BY MR. SENA AND SECONDED BY MR. THOMAS THE FOLLOWING REVISIONS/ADDITIONS WERE ADOPTED FOR THE NORTH HARMONY EMPLOYEE HANDBOOK POLICY, BENEFITS AND WAGES 2010:

- **Page 14 – Article 7 - Highway Employees’ Wage Schedule - needs to be adjusted to reflect current wage scale**

- **Page 17 – Article 11 – Highway Employees’ Paid Vacation Days - Addition:** *Two week prior notice will be required for a week or more vacation. Approval by the Highway Superintendent will be required.*
- **Page 17 – Article 12 – Part Time Employees’ Paid Vacation Days – Addition:** *Two week prior notice will be required for a week or more vacation with the approval of the Town Justice, Supervisor or Town Clerk.*
- **Page 19 – Article 18.2 – Addition – PART TIME EMPLOYEES’ ACCRUED VACATION DAYS** – *Not to exceed 180 hours at Retirement.*
- **Page 21 – Article 23 – Mileage – adjusted to reflect mileage rate of \$.50/mile**
THE MOTION WAS CARRIED UNANIMOUSLY.

- **ASSESSOR AGREEMENT WITH TOWN OF BUSTI**

MOTION #14 OF 2010

ON A MOTION MADE BY MR. WHITNEY AND SECONDED BY MR. SENA THE SUPERVISOR WAS AUTHORIZED TO ENTER INTO A ONE YEAR CONTRACT WITH THE TOWN OF BUSTI AT A COST OF \$24,000.00 FOR THE SERVICES OF THE ASSESSOR. **THE MOTION WAS CARRIED UNANIMOUSLY.**

- **2010 TIPPING FEES AT THE LANDFILL \$27.00/TON (up \$.50/ton)**
Mrs. Thomas said the fees are up \$1.00/ton at the Falconer and Sherman transfer stations.
- **REPORTS:**

JAY GOULD, LEGISLATOR

Mr. Gould said the following has occurred in the Legislature in December, 2009:

- Appointments were made to the North Lake Sewer Board; Airport Committee; Emergency Medical Services; Historian’s Advisory Board; Sports Fishery Board; CCIDA; Youth Bureau
- Resolution for court officers for North Harmony for 2010 not to exceed \$5,500.00
- Authorized participation in the defense of the Real Property Tax Assessment challenges by Norse Pipeline. Mr. Gould said Norse Pipeline wants their taxes on the value of their pipeline to go from \$2,859,000.00 to \$1.00.
- Resolution for Workman’s Compensation (North Harmony share \$30,208.44)
- Bonding for CCIDA for methane and for JCC at a cost of approximately \$12,000,000.00.
- Two properties at the four corners of Ashville will go before the legislature in January, 2010
- North Harmony is at 100% equalization rate
- Passed the 2% bed tax for clean waters
- Reorganizational meeting held 1/4/10 and control of legislature due to election issue in District 7 is still in the court system with no decision at this time
- Landfill prices are up; \$2/bag

Mr. Whitney asked if the landfill is actually recycling plastics. He said he had heard that the plastics for recycling were just being dumped into the landfill.

Mr. Gould said yes; they are recycling plastic, cardboard, newspaper, glass, tin and aluminum.

Mrs. Thomas commented on how nice the recycling station at the town transfer station is.

Mrs. Carlson said Mr. Penhollow stated that our town recycles more plastic than any other place that he services.

Mr. Sena said that some of his hauling guys had heard that the county was going to shut down the Falconer facility for an extra day each week.

Mr. Gould said yes because of the expense for overtime. He said they would be closed Wednesday, but would be open Tuesday, Thursday and Saturday. He said the county is losing money on all the transfer stations and they are just trying not to lose as much money on Falconer as they have been.

RANDY HOLCOMB, ASSESSOR

Mr. Holcomb provided a written report and noted that the enhanced STAR exemption renewals (income level to qualify is \$74,700.00) have been mailed out. All STAR exemption forms must be received no later than taxable status date 3/1/10. Change of assessment notices will be sent out during the first 10 days of May, 2010.

GARY RYAN, HIGHWAY SUPERINTENDENT

Mr. Ryan said the highway has been very busy plowing, sanding, brining and doing general maintenance work.

HOWARD PEACOCK / EVERETT BENSINK, JUSTICES

Mr. Peacock said the court has not received a response yet on their grant application.

Mr. Sena noted that court receipts are down about \$500 this month.

Mr. Stow said that at this time in 2008 the court receipts were \$238,000.00. He said overall court receipts are up in 2009 by \$66,000.00.

Mr. Thomas noted that the report the Justice Court provides to the board is entirely a voluntary offering. He said they are under no obligation to provide this report.

Mr. Bensink said Greg Edwards said construction will begin on I-86 in 2010. They will be redoing the section from the Pennsylvania line to Sherman and are scheduled to do the section between Sherman and Stow in 2011.

Mr. Stow said he understood that the contract for the section between the state line and Sherman was to be awarded in July, 2010.

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

Mr. Lawson provided a report for December, 2009 and included a yearend report. He said in 2008 building costs were a little under \$2,000,000 and 69 permits were issued. He said in 2009 building costs were \$1,635,600.00 and 74 permits were issued. He said 4 new homes were (one of which was a renewal from 2008) started. He said he has had conversations with 2 people who have plans to build in 2010. He said the situation with the home that had a bad wood stove had been resolved with the owners in a positive fashion. He said CPS had provided funding for a new pellet stove for the family. He commended the fire department for letting him know and perhaps averted a tragic situation.

DAVE LLOYD, STORM WATER PLANNING (out of town)

Mrs. Carlson said Mr. Lloyd had provided a written report stating he has set up a meeting with Chautauqua County Soil and Water for the second week in February to discuss the wetland project on Butts Road. He said the new signs for the Cheney Creek Project and the Stow Water Treatment project will be in this week and he will pick them up as soon as he returns.

Mrs. Carlson asked Mr. Ryan when he planned to begin the Cheney Creek project.

Mr. Ryan said they would probably wait until the creek quits running in the spring. He said he wants to complete the Stow Water Treatment project first.

NANCY THOMAS, TOWN CLERK (report in Minute Book)

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

MOTION #15 OF 2010

ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. THOMAS, 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)

Mrs. Carlson said she has been in contact with Dave Span about the trees at Butts Park. She said the trees have been cut and Mr. Span is holding the bond until the clean-up is completed in the spring.

- **NORTH HARMONY NEWSLETTER**

Mrs. Carlson said she plans to put out another newsletter soon and asked if anyone has any news or an article they would like to contribute to please contact her by 1/25/10.

MOTION #16 OF 2010

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

MOTION #17 OF 2010

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

MOTION #18 OF 2010

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

MOTION #19 OF 2010

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

*Nancy Thomas
Town Clerk*