



6. **CHAUTAUQUA CO. HISTORIAN – Celebrating Bi-Centennial - PASSPORT TO HISTORY**

Mrs. Carlson said Michelle Henry, Historian has asked if North Harmony would like to have an “event destination” included on the passport in the yearlong celebration of the bi-centennial. The cost to be included is \$50.00. She said the passport promotes up to 24 historical events happening throughout the county. It was discussed that perhaps the Lighthouse or Ferry bi-centennial celebration could be included as event destinations on the passport.

**MOTION #96 OF 2010**

**MR. SENA MOTIONED THAT NORTH HARMONY PARTICIPATE IN THE CHAUTAUQUA CO. BI-CENTENNIAL BY PROVIDING A PASSPORT DESTINATION AT A COST OF \$50.00.**

**MR. THOMAS SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.**

Mrs. Best asked if the Harmony Historical Society Fall Festival could be included.

Mrs. Carlson said the invitation was probably sent to Harmony and she would mention it to Ms. Henry.

7. **NYS AG & MARKETS – North Harmony Dog Shelter Inspection 6/24/10**

Mrs. Thomas said Ag & Markets had inspected the town shelter operated by Dog Control Officer, Charlotte Grover and rated it “Satisfactory”.

**OLD BUSINESS:**

• **BOCES HEWES SEWER IMPROVEMENT DIST. BIDS – NYS DEC CONDITIONAL**

Mrs. Carlson said once again there are complications. She said because of the cost of the road push from BOCES across Rt. 394 the bids received are higher than expected and the approved B.A.N. amount of \$123,000.00 will not cover all of the expenses of the project (project cost, engineering fees, attorney fees, etc.). She said another public hearing will have to be held in order to increase the amount of the B.A.N. to \$160,000.00. She reiterated that the B.A.N. will be paid for solely by BOCES as they are the only beneficiary of the district.

Mr. Stapleton said the engineers have been talking to the contractor whose bid had been accepted to determine if they are willing to wait the additional amount of time. He said if they are not, there may be additional complications and one of the other low bidders will have to be sought.

**MOTION #97 OF 2010 (copy of order, etc. included at end of minutes)**

**MR. WHITNEY MOTIONED TO AUTHORIZE A FURTHER ORDER FOR PUBLIC HEARING ON THE BOCES HEWES CENTER SEWER IMPROVEMENT DISTRICT TO INCREASE THE B.A.N. AMOUNT FROM \$123,000 TO \$160,000 TO BE HELD ON MONDAY, 8/9/10, AT 7:45 PM. FURTHER, THE TOWN CLERK WAS AUTHORIZED TO PUBLISH AND POST THE ORDER. MR. THOMAS SECONDED. MR. THOMAS, YES; MR. WHITNEY, YES; MRS. CARLSON, YES; MR. STOW, ABSTAIN; MR. SENA, ABSTAIN. THE MOTION WAS CARRIED.**

• **FIRST OLD BRIDGE ROAD NAME SUGGESTIONS (SHORT; BALL)**

Mrs. Carlson said in order to alleviate confusion because there are 2 roads in Stow named Old Bridge it had been previously discussed to re-name the first Old Bridge Road.

Mr. Thomas suggested that it be named Ball Creek Road since it runs from the ferry to Ball Creek.

**MOTION #98 OF 2010**

**MR. THOMAS MOTIONED TO RE-NAME THE FIRST OLD BRIDGE ROAD LOCATED IN STOW, BALL CREEK ROAD. MR. STOW SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.**

- **ASHVILLE DAY – (Discussed previously under Announcements)**

- **REGNER PROPERTY – SURVEY ? – SIGN – CERTIFY WELL, SEPTIC**

Mrs. Carlson said the town is still not quite ready to put a for sale sign on the Regner property. She said she feels that the town should have it surveyed before selling.

Mr. Sena said he thinks the survey should be done by the buyer.

Mrs. Carlson said at the least it should be marked so a prospective buyer will know the dimensions.

Mr. Sena said he would mark the boundaries.

Mrs. Carlson asked Mr. Ryan if the highway could mow the property again.

Mr. Ryan said he would take care of it.

- **STOW FERRY and LIGHTHOUSE PARK**

Mr. Sena said he has nothing further to report at this time.

Mrs. Carlson said she has the plans for the reconstruction of the landing at the ferry if anyone is interested in reviewing them.

- **HIGHWAY BUILDING – PLANS, BORES**

Mr. Ryan said Mr. Stow has spoken to C&R Construction about the plans for the Town of Carroll Highway Building.

Mrs. Carlson asked if in their discussions with Tom Allison about the building, he had mentioned whether their plans included the additional height of 1'.

Mr. Ryan said he did not know.

Mr. Stow said he had spoken to the manufacturer of the building and they had used a 1' poured concrete wall to raise the building so that nothing touched the ground.

- **BANNERS**

Mrs. Thomas said she has nothing to report at this time on the pole banners.

- **TREES AT BUTTS PARK – STEVE NUSE**

Mrs. Carlson said Mr. Nuse wants to cut firewood at Butts Park. She also said he knows someone who could knock over the dead trees so that they are not such a liability risk. She said the Amish were supposed to remove the dead trees when they cut previously and had not. She said anyone wishing to cut firewood would have to sign some type of waiver of liability. She said she would contact Dave Span regarding the contract with the Amish and the incomplete job they had done.

**MOTION #99 OF 2010**

**MR. SENA MOTIONED TO ALLOW FIREWOOD CUTTING FOR PERSONAL USE OF DEAD FALL TREES AT BUTTS PARK PROVIDED A WAIVER OF IMMUNITY HOLDING THE TOWN OF NORTH HARMONY HARMLESS IS SIGNED AND FILED WITH THE TOWN CLERK. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.**

## **NEW BUSINESS:**

- **GEOCACHING – LIGHTHOUSE – DAVID HAZLETT (814)368-6083**

**Mrs. Thomas** said the town had been approached by Mr. Hazlett about using the Lighthouse at the park as a geo-cache hiding place. She said geo-caching is a very popular scavenger hunt type of game in which the geo-cache is hidden in a location and the player's use GPS coordinates to find the cache.

**Mrs. Carlson** asked the board if they had any objections. There was discussion of where to allow the placement of the geo-cache so as not to cause any physical damage to the structures at the park. She said she would contact Mr. Hazlett and get more information.

### **MOTION #100 OF 2010**

**MR. STOW MOTIONED TO ALLOW THE USE OF LIGHTHOUSE PARK AS A GEO-CACHE HIDING PLACE. PROVIDED THERE IS NO DAMAGE INTENDED OR INFLICTED ON ANY STRUCTURES LOCATED THERE. MRS. CARLSON SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.**

- **CAMERA FOR TRANSFER STATION – 2 QUOTES**

**Mrs. Carlson** said once again there had been a large amount of trash dumped illegally at the transfer station over the 4<sup>th</sup> of July weekend. In previous discussions with the Chaut. Co. Sheriff's Dept. she had been advised that they do not have the authority to prosecute in these types of cases and the town should develop its own law to allow for prosecution. She said the town has received quotes for security cameras and Mr. Stapleton continues to work on a new town law regarding the illegal dumping of trash. Mrs. Carlson asked Mr. Stapleton if it could be included in the law that unauthorized persons (person's not owning property in N.H.) could also be prosecuted and fined.

**Mr. Stapleton** said yes and asked if the board wanted to include no dumping of commercial or construction waste by businesses. He said the town could create any reasonable rules they wished.

**Mrs. Ryan** asked why the town does not put up a fence to prevent entrance to the Highway Dept./ Transfer Station.

**Mrs. Carlson** said it had been discussed but the board does not want a fence.

*There was further general discussion of the current town law and Mr. Stapleton agreed to continue to work on the specific revisions to Sec. 4, paragraph 3.*

**Mrs. Emick** asked about the use of the transfer station by summer renters.

**Mrs. Carlson** said the rights of use are attached to the property.

### **MOTION #101 OF 2010**

**MR. THOMAS MOTIONED TO HOLD A PUBLIC HEARING ON A LOCAL LAW TO PREVENT ILLEGAL DUMPING AT THE TOWN TRANSFER STATION ON 8/9/10 AT 7:30 PM. MR. SENA SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.**

**Mrs. Carlson** said the town has also received 2 bids on security camera systems for the transfer station.

**Mr. Sena** said he would like to wait and get an estimate from DFT.

### **MOTION #102 OF 2010**

**MR. SENA MOTIONED TO TABLE THE SECURITY CAMERA ISSUE FOR FURTHER REVIEW AND A QUOTE FROM DFT. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.**

- **GAS LINE INTO EXISTING LINE**

Mrs. Carlson said the town has a request to run a gas line from a road push which was installed from the well near the Sportsman Club across Rt. 394. She said the map provided is difficult to read and asked for a motion to table until more information could be received.

**MOTION #103 OF 2010**

**MR. THOMAS MOTIONED TO TABLE THE REQUEST TO ALLOW A ROW TO RUN A GAS LINE INTO AN EXISTING LINE ON TOWN PROPERTY UNTIL FURTHER INFORMATION IS RECEIVED. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.**

- **WATER GARDEN PROJECT GRANT CONTRACT WITH CHAUTAUQUA COUNTY**

Mrs. Carlson asked Mr. Ryan if that project is one which the highway will be able to get to this year. Mr. Ryan said yes.

**MOTION #104 OF 2010**

**MR. WHITNEY MOTIONED TO AUTHORIZE THE SUPERVISOR TO ENTER INTO A CONTRACT WITH CHAUTAUQUA COUNTY FOR BED TAX GRANT FUNDING OF A WATER GARDEN PROJECT AT PROPERTY LOCATED IN ASHVILLE. MR. STOW SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.**

- **SIGN RETROREFLECTIVITY**

Mrs. Carlson said the town will be required to put up new retro-reflective road signs in order to be in compliance with new codes. She said inspectors for these new signs must be at least 65 years old.

Mr. Stapleton said the signs are very visible and could help prevent future law suits involving accidents on town roads.

- **YOUTH REC FUNDING**

Mrs. Carlson said the town had received a refusal of funding letter from NYS for the Youth Rec program.

Mrs. Miller said it appears that the state wants to receive both the Town of North Harmony and the Town of Harmony applications in the same envelope since it is a joint project. She said the applications have been re-sent.

- **STREET LIGHT FOR PARK AND RIDE BEHIND HOGAN'S HUT (Annual cost 100 watt \$86.59; 250 watt \$148.56; 150 watt \$106.65)**

Mrs. Carlson said she feels the town should put up some type of lighting at the park and ride area recently created behind Hogan's Hut. She said the lights on the expressway are 250 watt and the ones at the 4 corners are 150 watt. She recommended going with the 250 watt.

Mr. Sena asked if the lights would be intrusive to any neighbors.

Mrs. Carlson said there aren't any neighbors located close by. She said the wattage could be changed if the light is too intrusive.

**MOTION #105 OF 2010**

**MR. STOW MOTIONED TO AUTHORIZE THE INSTALLATION OF A 250 WATT LIGHT AT A COST OF \$148.00 PER YEAR AT THE PARK AND RIDE AREA BEHIND HOGAN'S HUT. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.**

• **RIGHT OF WAY OR LEASING OF FIELD NEXT TO FIRE HALL STATION II TO PAUL SPAS FOR COWS**

**Mrs. Carlson** said Mr. Spas would like to use the entire lot or at least be granted a ROW (large enough to run a tractor through) for his cows on the town property located next to Ashville Fire Station II. He will be also using the pasture near Morton's (across from Sr. Citizens) and will need ROW to access to get the cows back to that pasture.

*There was general discussion of liability issues and damage to the property.*

**Mrs. Carlson** said perhaps some type of contract could be drawn up.

**Mr. Stapleton** suggested that no property rights, ROW, easement should be given. He said it should be a personal license which can be revoked at any time.

**MOTION #106 OF 2010**

**MR. THOMAS MOTIONED TO GRANT AN IN COMMON PERSONAL LICENSE TO PAUL SPAS TO MOVE HIS COWS ACROSS TOWN PROPERTY WITH THE STIPULATION THAT THE LAND MUST BE RESTORED TO ITS ORIGINAL CONDITION WHEN THAT USE CEASES. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.**

• **ASHVILLE 4 CORNERS GARDEN – LISA CERTO-CARD**

**Mrs. Carlson** said she had met with Ms. Certo-Card who will be working on a small garden on town property at the 4 corners in Ashville. She said Mr. Ryan has already dumped soil for the garden there and is looking for 2' boulders to use around the edges to contain the soil. She said the objective is to create a small park at the location.

**Mrs. Thomas** said Mr. Munsee who intends to locate a produce stand at the 4 corners has provided a certificate of insurance liability which is on file at her office. She said Mr. Munsee has not yet opened the stand and has asked to operate it until November. She said the certificate expires in September and will have to be renewed in order to operate until November.

• **NYS EMPLOYEE RETIREMENT SYSTEM STANDARD WORK DAY REPORTING RESOLUTION**

**Mrs. Thomas** said that in order to better determine the number of days per month to be credited for retirement reporting purposes the NYS-ERS is requiring that all elected/appointed officials who do not participate in a time keeping system, keep a 90 day calendar of activities/hours worked. She said several officials have completed this calendar and the next step is to pass the resolution and post it both on the website and on the bulletin board. She said some employees have not yet completed their 90 day calendar and she has been advised by NYS-ERS to post those that have been completed and certify those not completed by additional resolution in an ongoing fashion.

**MOTION #107 OF 2010**

**MR. THOMAS MOTIONED TO PASS THE FOLLOWING NYS-ERS STANDARD WORK DAY REPORTING RESOLUTION FOR THOSE ELECTED/APPOINTED OFFICIALS LISTED THEREIN. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.**

**107-2010**

BE IT RESOLVED, that the Town of NORTH HARMONY hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and the Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/ Month (based on Record of Activities)
<b>Elected Officials</b>					
Town Clerk	Nancy Thomas	6	1/1/10 – 12/31/11	N	24.36
Highway Superintendent	Gary Ryan	8	1/1/10 – 12/31/11	N	21.63
Board Member	Frank Stow	6	1/1/10 – 12/31/13	N	1.50
<b>Appointed Officials</b>					
Dog Control	Charlotte Grover	6	1/1/10 – 12/31/10	N	1.94

**REPORTS:**

**JAY GOULD, LEGISLATOR**

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

- July legislature meeting will be held at the Clarion Hotel in Dunkirk
- Office space leased to FFA at \$300/month at county airport
- Bridge painting grant of \$368,000 (80% federal; 10% state; 10% local). Funding will cover 11-13 bridges.
- Child Advocacy Program Grant of \$115,237 for questioning involving crime against a child
- Portable lead analyzer at a cost of \$12,000 (sanitarians will use to test for lead paint in old buildings)

- County transfer of brown field property in Celeron to Brigotta's for \$40,000. Brigotta's will clean up the property.
- Operation Stone Garden (Homeland Security Grant) – Mr. Gould said the Sheriff's Dept. indicated they were applying for a grant to buy a boat for \$136,000 to be operated on Lake Erie for border patrol purposes. He said the application for the grant indicated the actual grant amount requested is \$3,100,000 and the amount for the boat is \$1,300,000. He said the legislature is concerned about the large discrepancy in the dollar amounts. Items included in the grant are boat, trailer, vehicle to pull trailer, overtime, gasoline, command center, etc.

### **GARY RYAN, HIGHWAY SUPERINTENDENT**

**Mr. Ryan** said the highway has been ditching. He said he has not received gravel yet but intends to gravel all of Havercamp Road with CHIPS funding and will see how much is left at the completion of that job.

### **HOWARD PEACOCK, JUSTICE**

**Mr. Peacock** said he had nothing further to add to his written report. He said the court is waiting for the countertop to complete the renovations to the offices and at that point they can paint and varnish the areas necessary.

### **BRAD LAWSON, ZONING CEO**

**Mr. Lawson** said 2 new houses were started in July and perhaps another home will be started on Bly Hill soon. He said the Feldt trailer on Carperter-Pringle has been removed. He said there are a number of blue inflatable pools that have been installed. He said he will be sending out letters on 3 of them.

*There was lengthy discussion of NYS codes with regard to these types of pools which are sold mainly at Walmart stores. It was discussed that perhaps an article in the next newsletter could better inform residents of the laws regarding the pools.*

*At 9:25 PM Mrs. Carlson was called away from the meeting due to a family illness. Mr. Whitney assumed his position as Deputy Supervisor at that time and the meeting was continued.*

### **DAVE LLOYD, STORM WATER PLANNING**

**Mr. Lloyd was unable to attend the meeting, but provided a written report.**

- Stow Area grant project is complete
- Cheney Creek grant project will resume work as soon as weather permits
- Rain Garden grant project will begin as soon as plans are complete
- Plans for the renovations to the landings at the Bemus Pt. Stow Ferry are in the town clerk's office for review for a limited time as they may have to be returned to the county
- Town of Busti has built a weir much like the one planned for the Cheney Creek project on Shadyside Road between Rt. 394 and Hunt Road.

### **NANCY THOMAS, TOWN CLERK**

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

### **MOTION #108 OF 2010**

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

**TOWN BOARD**

**7/12/10 (Pg. 9)**

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

**MOTION #109 OF 2010**

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

**MOTION #110 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.

**MOTION #111 OF 2010**

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

**MOTION #112 OF 2010**

MR. STOW MOTIONED FOR ADJOURNMENT AT 9:40 PM. MR. SENA SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

*Nancy Thomas  
Town Clerk*