

**TOWN OF NORTH HARMONY
PUBLIC HEARING B.O.C.E.S. SEWER DISTRICT
MONDAY, 3/8/10**

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

OTHERS PRESENT: Jay Gould, Legislator; Gary Ryan, Highway Sup't.; Dave Stapleton, Attorney; Howard Peacock, Everett Bensink, Justice's; Brad Lawson, Zoning CEO; Deniese Buckingham, Clayton and Helen Emick, Bill Stratton, Michelle Keefe, Nancy Thomas, Town Clerk

- **7:45 - PUBLIC HEARING B.O.C.E.S. SEWER DISTRICT**

Mrs. Carlson opened the Public Hearing at 7:45.

Mr. Stapleton said the town has been involved in trying to put together a sewer improvement district at BOCES request. He said BOCES engineer, Mark Alienallo, has been working on a Map, Plan and Report which was not complete until last Wednesday. He said in order to accommodate BOCES for an expedited construction schedule he had asked the board to enter an order for publication for the public hearing to consider the creation of the improvement district and the issuance for a bond for the cost of the improvements. He said the improvement area is strictly the BOCES property and BOCES alone would pay for the bond. He said there is no other tax payer involvement throughout North Harmony. He said BOCES engineers had spent quite a bit of time determining how they could tie into the current South and Center Sewer District line that runs out of the Sunrise Cove area. He said this has all been discussed with S&CSD in regards to construction parameters and what S&CSD would accept as far as increased water flow. He said that S&CSD and the town would appreciate the increased water flow of somewhere between 3-4,000 gals. per day which would help the entire system to function more efficiently and prevent additional breakdowns of the system. He said this would prevent the dumping of 3-4,000 gals. of water into Chautauqua Lake at that point. He said he had asked the board to go ahead and order the publication on the public hearing without a complete order available last month and the town had graciously agreed to do that. He said we had put in an abbreviated notice because of the short time available. He said last Thursday he had spoken with bond council in Buffalo and they had objected to the notice. He said they felt that the 3 pages of the complete order which details all of the specifics of the construction as well as the financing is what should be published in order to satisfy the state comptroller. He asked if the board would consider reordering the public hearing with the complete order that is now available to us prior to the 4/12/10, regularly scheduled board meeting. He said this would be for both the creation of the sewer improvement area as well as the bond for the payment of the cost for the improvements. He said the attorney's felt this would not interfere with the construction schedule.

Mrs. Emick asked who would pay for the second notice and what the increase in the publication cost would be.

Mr. Stapleton said everything that happens is charged against the improvement district, (i.e. legal fees, publication costs, engineering costs, construction costs, etc.) which is strictly BOCES. He said there is no cost to the taxpayers of the town.

Mrs. Emick said so none of it is paid for by the taxes we keep giving them each year which keeps going up and up.

Mr. Stapleton said no. He said it is strictly a bond that is issued by the town and BOCES will get billed in their tax bill for the entire cost of the bond payments as well as the cost of the sewer maintenance,

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which will probably be done by the BPU. He said when the bond is paid off we might be able to transfer title to the S&CSD. He said BOCES pays 100% of the cost of the water, sewage, bond and installation of the improvements.

Mrs. Carlson said that it is advantageous that BOCES will now be using a public sewer as opposed to the private one which uses ground water and could pose a threat of pollution to the ground water. She said it would be better going to a center where it will be processed.

Mrs. Emick said she does not care where the water goes, but does care where the money goes. She said our taxes still go toward BOCES.

Mr. Stapleton said for this, he did not think so.

Mr. Stow said the sewer should actually save money because someone has to be there every day to maintain and oversee the current system. He said savings would include maintenance fees (i.e. pumping fees, consulting fees, permit fees, manpower and overtime costs). He said just the savings in overtime costs alone would pay about half the cost of the bond. He said it is quite an expensive proposition to operate a sewer system and because of the age of the current system there are concerns about how long it will last. He said there are many things that factor into that decision and actually it should cost less to run the water to S&CSD than to continue to maintain the current system.

Mrs. Emick asked if this would mean a decrease to taxes.

Mrs. Carlson said probably not.

Mr. Emick asked what the terms of the bond are and how much the interest will be.

Mr. Stapleton said he believes they are thinking about a 15 year bond, but could not speak to the interest rates of the bank because of the constant changes in rates. He said he believes it will not be any more than 4%.

Mrs. Carlson closed the public hearing at 8:00 PM.

TOWN OF NORTH HARMONY BOARD MEETING MONDAY, 3/8/10, 8:00 PM

ALL PRESENT AT THE PRECEDING PUBLIC HEARING IN ATTENDANCE

- 8:00 - PLEDGE
- MINUTES

MOTION #28 OF 2010

ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. SENA, THE MINUTES OF THE 2/8/10 TOWN BOARD MEETING WERE ACCEPTED AS PRESENTED BY THE TOWN CLERK. THE MOTION WAS CARRIED UNANIMOUSLY.

- ANNOUNCEMENTS:
- TOWN OF BUSTI REPUBLICAN COMMITTEE ST. PATRICK'S DAY BREAKFAST – Sat. 3/13/10, 8:30 – 11:00 AM, Alfie's Restaurant

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- **CHAUTAUQUA CO. 18TH JOINT LEGISLATIVE BREAKFAST – Sat. 3/20/10, 8:30 AM, Lakewood Rod and Gun Club**
- **PUBLIC COMMENT:**

Mr. Emick asked if anyone from the town board had attended the meeting at Long Point State Park aimed at keeping the park open.

Mrs. Carlson said Mr. Stow had attended the Tea Party held prior to that meeting. She said she had spoken to Andrew Nixon about the County Vacation Bureau taking over the running of Long Point. She said in her personal opinion, if the caretaker currently contracted were let go, they could save enough money to make up the \$40,000 shortfall which is the stated reason for closing the park. She said many area events are dependent on Long Point (i.e. fishing tournaments, public boat launch, docking, gas, etc.).

There were many comments that if the park were to be privately run, it could be a money maker.

Mr. Gould said he believes the park already is a viable money maker.

Mr. Emick said there were about 300 people in attendance at the Tea Party and at the rally to keep Long Point open. He said Cathy Young did an excellent job at the event.

- **CORRESPONDENCE:**

1. **BPU – SAMPLE RATES – Letter dated 2/22/10**

The letter stated that based on meter readings, owners pay \$.55 per unit (unit approx. 748 gals.) of water used for sewer maintenance plus a basic service charge of \$7.20.

Mr. Stow said he believes the users at Sunrise Cove are paying for the design capacity of the project, not just a per user amount.

2. **TIME WARNER CABLE – Cable TV Station Negotiations**

- Franchise Fees – WNY -	\$9,860.29
Central NY -	\$6,106.20
	\$15,966.49

3. **CHAUTAUQUA CO. FIRE – AMANDA’S LAW (Carbon Monoxide Alarms required effective 2/22/10 in all new and existing residences)**

Mr. Lawson said the law requires that at least one carbon monoxide alarm must be present on the lowest floor of a home that has a bedroom present. He said for existing homes this can be a plug in model, but new construction requires that units be hardwired in.

4. **CORNELL – BETSY HITE – Drug Disposal**

Mrs. Carlson said Ms. Hite expressed concern about proper disposal of extra pharmaceutical drugs. Ms. Hite asked if Chautauqua County has ever held a household hazardous waste day.

Mrs. Thomas said the county has an established hazardous waste disposal day at least once every year, but does not believe that prescription drugs are addressed in the items listed as hazardous waste.

Mr. Gould said he believes you can bring drugs to the waste sites.

Mrs. Carlson said she believes you are supposed to dispose of them at the landfill.

5. **CAMP GROSS – Designate 3/18/10 as “Absolutely Incredible Kids Day”**

Mrs. Carlson said this involves an adult writing a letter to child of praise and encouragement.

MOTION #29 OF 2010

ON A MOTION MADE BY MR. WHITNEY AND SECONDED BY MR. SENA, 3/18/10 WILL BE DECLARED "ABSOLUTELY INCREDIBLE KIDS DAY". THE MOTION WAS CARRIED UNANIMOUSLY.

6. FEHER – RUBBISH REMOVAL – FOIL REQUEST

Mrs. Carlson said the Town Clerk had received a FOIL request asking for wages on rubbish removal.

7. ENVIRONMENTAL COMPLIANCE TRAINING 3/22-23/10

Representatives are invited to a workshop to be held in New Jersey.

8. TSHIBANGU KADIMA – AFRICAN CULTURE DVD

9. NEW CIRCULAR ON THE EMERALD ASH BORER

10. PLANNING BOARD MINUTES 2/8/10 RECEIVED

11. CLCS "NAVIGATOR"

OLD BUSINESS:

• B.O.C.E.S. SEWER

MOTION #30 OF 2010

ON A MOTION MADE BY MR. WHITNEY AND SECONDED BY MR. STOW, THE TOWN CLERK WAS DIRECTED TO RE-ADVERTISE THE COMPLETE ORDER FOR A PUBLIC HEARING 4/12/10, ON THE ESTABLISHMENT OF THE BOCES SEWER IMPROVEMENT DISTRICT AND THE ISSUANCE OF A SERIAL BOND IN THE AMOUNT OF \$123,000.00 TO BE PAID SOLELY BY BOCES. THE MOTION WAS CARRIED UNANIMOUSLY.

• NORTH HARMONY NEWSLETTER MAILED

• ENERGY AUDITS HIGHWAY AND TOWN BUILDINGS

Mrs. Carlson said the town has received copies of the energy audits for both buildings. She said they indicated that there was not much to change at this point to improve the town's energy usage.

• APPOINTMENT OF CLAYTON EMICK TO BOARD OF ASSESSMENT REVIEW (Lynn Phillips replacement)

MOTION #31 OF 2010

ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. THOMAS, CLAYTON EMICK WAS APPOINTED TO THE BOARD OF ASSESSMENT REVIEW EFFECTIVE 10/1/09 – 9/30/14. THE MOTION WAS CARRIED UNANIMOUSLY.

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- **LOT IN ASHVILLE ACROSS FROM MILDRED'S**

Mrs. Carlson asked Mr. Gould if he had heard anything about the transfer of those properties at the county level and if the town should go ahead and pay the taxes on those properties.

Mr. Gould said he had not heard anything, but felt the town should go ahead and pay the taxes.

Mr. Stapleton said he believes he received a call from the county attorney's office about the title transfer.

- **REGNER PROPERTY (GARAGE REMOVAL)**

Mr. Sena proposed that the town advertise with the P.J. for salvage rights on the single car garage located on the Regner property.

Mr. Bensink asked about the Regner property and questioned if someone were to remove the garage, shouldn't they have liability insurance.

Mrs. Carlson said that would be part of the ad.

Mr. Ryan said the highway could remove it and that would be the cheapest way to go.

Mr. Stapleton said some type of assumption of risk agreement could be drawn up.

Mrs. Carlson said if no one responds to the ad, the highway can take it down.

MOTION #32 OF 2010

ON A MOTION MADE BY MR. SENA AND SECONDED BY MR. THOMAS, THE TOWN CLERK WAS AUTHORIZED TO PLACE AN AD IN THE POST JOURNAL FOR THE TEAR DOWN AND REMOVAL OF THE ONE CAR GARAGE LOCATED ON THE OLD REGNER PROPERTY WHICH NOW BELONGS TO THE TOWN. **THE MOTION WAS CARRIED UNANIMOUSLY.**

- **NEW BUSINESS:**

- **DAVID AND KAREN MUNSEE – Letter requesting permission to place farmstand at town property at 4 corners of Ashville**

Mrs. Carlson said she would like a motion to table any action on this until all board members have had a chance to review the proposal. She said the Munsee's would like to run a produce stand there from 7/1 – 12/25/10. She said she had just received the proposal today.

Mr. Sena said he had an issue with their request for exclusive use of the property and its possible interference with other local businesses.

MOTION #33 OF 2010

MRS. CARLSON MOTIONED TO TABLE THE REQUEST OF DAVID AND KAREN MUNSEE TO RUN A PRODUCE STAND ON TOWN OWNED PROPERTY AT THE 4 CORNERS OF ASHVILLE, UNTIL THE PROPOSAL HAS BEEN MORE CAREFULLY REVIEWED. MR. STOW SECONDED AND **THE MOTION WAS CARRIED UNANIMOUSLY.**

- **RENOVATIONS TO TOWN CLERK'S OFFICE**

Mrs. Thomas said Mr. Sena had arranged for Jamestown Kitchen and Bath to evaluate and give a cost on some work to be done to the counter area in the clerk's office. She said she received a quote on cost for countertop, cabinets, bases and keyboard shelf in the amount of \$1,633.90. She said this does not include labor but Mr. Sena is certain that it can be done for a total of \$3,000.00 or less.

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Mr. Sena said the countertop would be rounded out and the clerk's computer station would be cut into the counter at a lower level. He said the door to the office would be changed to swing outward to provide desk area for the deputy clerk. He projected that labor costs would be \$800 - \$1,000.00.

Mrs. Thomas said she was requesting no decision until they had a more complete proposal.

- **PENHOLLOW DISPOSAL – Filed solid and hazardous materials annual report 2/26/10**
Mrs. Carlson requested a copy of the report from the town clerk.

- **CLMC – COUNTY WIDE CLEAN UP 4/22,23,24/10**

Mrs. Carlson said the CLMC is sponsoring this clean-up to coincide with Earth Day and they would like to get as many service groups, private citizens, etc. to give the county a "face lift" as far as picking up trash on roadsides and ditches. She said they would like to do a streamside cleanup later in the fall. She said she would have more information at the next meeting.

- **COMMITTEE TO CELEBRATE THE 200TH ANNIVERSARY OF THE BEMUS PT./STOW FERRY, JULY, 2011**

Mrs. Carlson asked if anyone is interested in working on this, to please contact her for meeting dates.

- **REPORTS:**

JAY GOULD, COUNTY LEGISLATOR

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

- Appointments to Sport Fishery Advisory Board, Lisa Green, W. Lake Rd., Ashville; Chaut. Co. Aging Advisory, Dan Girts, Baker St. , Ashville
- Agreement with JCC for Sheriff and Fire Service Academy training at \$80,754.00
- Airport Restaurant leased to Donald Ross for 3 years at \$600.00/mo.
- Dog License Revenue; town sent \$534 to state and \$271 (75% minus handling fees) was returned to the town
- Stimulus money for Early Intervention program of \$51,573 for two years 10/1/09-9/30/11, for purchases necessary for the administration of the E.I. services (reporting on billing, overtime payment to staff, temporary staff, new consultants and contracts)
- Stimulus money for vaccinations 10/1/09-3/31/11 of \$21,479

RANDY HOLCOMB, ASSESSOR (written report provided)

Mrs. Carlson said the report indicated that NYS ORPS had advised the Assessor that the tentative equalization rate for the town is 97.2%. The report indicated that work continues on valuation of new construction and demolition in the town. Grievance Day will be Wednesday, 5/26/10.

GARY RYAN, HIGHWAY SUPERINTENDENT

Mr. Ryan said the highway department has been working in the shop on maintenance, cold patching roads and cleaning the trucks.

HOWARD PEACOCK/EVERETT BENSINK, JUSTICES (Written report in Minute Book)

Mr. Peacock and Mr. Bensink said they had nothing further to add to their written report.

Mr. Bensink noted that receipt of fine monies was up from the previous month.

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Mr. Whitney said it was his understanding that the town kept approximately 20% of fine monies received, but the figures in the report for the town's portion are at about 33% of revenues.

Mr. Peacock said the town gets to keep all parking ticket fines and that is why the revenues are larger than the 20%.

BRAD LAWSON, ZONING CEO (written report in minute book)

Mr. Lawson said his code group is meeting this week and will discuss enforcement of the new carbon monoxide detector law.

Mrs. Carlson asked if any particular brand is recommended.

Mr. Lawson said no. He said probably when someone applies for a permit of any type they will be advised about the detector law and he will require them at inspection as part of a final approval. He said the Planning Board will meet tomorrow and he has completed the amendments for the 40,000 square foot requirement for well and septic.

DICK SENA, ANNUAL SNOW FALL REPORT

Mr. Sena reported that the annual snowfall at his home in North Harmony was currently at 194" to date.

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

Mrs. Thomas said that of the original warrant amount of \$3,167,079, \$2,678,663 has been collected with an outstanding amount of \$489,719 (15.46%).

MOTION #34 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.

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

MOTION #35 OF 2010

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

MOTION #36 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 #37 OF 2010

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

MOTION #38 OF 2010

MR. SENA MOTIONED FOR ADJOURNMENT AT 9:00 PM. MR. STOW SECONDED
AND THE MOTION WAS CARRIED UNANIMOUSLY.

Nancy Thomas
Town Clerk