

**TOWN OF NORTH HARMONY
TOWN BOARD MEETING
MONDAY, 11/8/10 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: Dave Stapleton, Attorney; Gary Ryan, Highway Supervisor; Howard Peacock, Everett Bensink, Justices; Robin Miller, Bookkeeper; Dave Lloyd, Stormwater Planning; Louis Reig, Planning Board; Don McCord, Consultant; Ron Saxton, Sheila Saxton, Mr. Hinsdale, Dan Mangione, Goose Creek Corp.; Penny Best, Deputy Town Clerk; Nancy Thomas, Town Clerk

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

MOTION #147 OF 2010

ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. SENA, THE MINUTES OF THE 10/11/10 TOWN BOARD MEETING WERE ACCEPTED UNANIMOUSLY.

- **ANNOUNCEMENTS:**
- **STW Planning and Zoning Conference 11/17/10 Chautauqua Suites**
- **Energy Conference – 11/9/10, 9:00 – 1:30 PM – Salamanca (\$10)**
Mrs. Carlson said she planned to attend the conference.

- **PUBLIC COMMENT**

SHEILA SAXTON – DRAINAGE ISSUE SOUTH MAPLE STREET

Mrs. Saxton said she lives on South Maple Street and would like to discuss a drainage issue on her property. She said Mr. Hinsdale on Hoag Road has a drainage ditch on his property that comes down his road and cuts across her property to the Goose Creek outlet. She said the pipe is broken on her property and all the water from Hoag drains onto her property.

Mrs. Carlson asked if she would be willing to sign an easement to go across her property so that repairs could be made.

Mrs. Saxton said yes, as long as it is in a spot that does not damage her swimming pool.

Mr. Ryan said he is aware of the situation.

Mrs. Carlson said the town would have the easement drawn up, get Mrs. Saxton's signature and take care of the problem.

CORRESPONDENCE:

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

1. **POWER PAY – THURMAN THOMAS GLOBAL ENERGY**
After discussion the board expressed no interest in pursuing this at this time.
2. **CHAUTAUQUA CO. – 1.1% REDUCTION (approx. \$60) IN YOUTH REC FUNDING**
3. **DANZIGER AND MARKHOFF – GASB45 – FUNDING EXCESS IN BUDGET**

TOWN BOARD

11/8/10 (Pg. 2)

Mrs. Carlson said this is for funding for retirement. She said the Highway Dept. at this time can use their accrued sick/vacation leave time to fund medical insurance. She said she has no interest in the GASB45 funding program as the town has more than enough in its reserves to cover these medical payments.

4. **NYS GFOA – WESTERN HOLIDAY SEMINAR – 12/10/2010**
5. **TIME WARNER – CHANNEL CHANGES AND GREEN INITIATIVE**
6. **THOMPSON REUTERS – FIXED ASSET MANAGEMENT SOFTWARE**
7. **PUBLICATIONS / NEWSLETTERS**

Towns Topics	Playworld Systems – Life Trails
E&M Engineers	The Capitol (NY Capitol Correspondence)
U.S. News & World Reports	JCC – Green in Chautauqua Co.
Public Works	Waste & Recycling
8. **ZONING BOARD OF APPEALS MINUTES 10/6/10**
9. **ASSOCIATION OF TOWNS – DUES 2011 \$800**
10. **NYS DOT – SNOW AND ICE CONTROL (Maps and phone #'s provided)**
11. **INDEPENDENT HEALTH – Rate increase 15.5% single/couple and 13% family**

- **OLD BUSINESS:**

- **BOCES SEWER email 11/2/10 from Jake Alianello, Engineer – Retro fit – manhole – Construction/Budget Status**

Mr. Stapleton said he has been talking with Alianello Engineers for the past several weeks so that they can finalize the figures so that they can move ahead with the final financing for the BAN. He said figures were received last week for the general services during construction (GSDC) costs. He said the original bid contract with St. George was \$118,008 and the engineers had received a final total construction cost of \$121,097 which includes a \$3,700 change order request to cover costs at manhole #1, the connection manhole at BOCES end of the sewer extension (instead of 2 pipes, there were 3 pipes and the manhole cover obtained only had 2 connections). He said the work was completed late in the fall and there is some landscaping that will need to be done in the spring because of the stability of the ground. Additional dirt and seeding will be done to stabilize the ground at that time. He said the engineers have suggested that the town withhold 5% (\$6,055) of the final cost as a retainer on the completion of the stabilization process. He said Alianello Engineers have also given their cost to date as of 10/23/10, on the project of \$15,146.22 (\$5,853.02 has already been paid by the town). He said they anticipate in the spring another \$3,500 to complete the project for a final total engineering cost of approximately \$18,750 (anticipated cost at project start was \$10,000). *Refer to e-mail dated 11/2/10 for explanation of increased costs.* Mr. Stapleton said they are requesting the town board pass a resolution authorizing the payment to the contractor of the amounts indicated, less the retainer. He said they are anticipating that the bonding will move forward so that the

TOWN BOARD
11/8/10 (Pg. 3)

closing will occur with funding on 12/3/10. He said the contract calls for payment within 30 days of completion of the work.

Mrs. Carlson asked if the town should withhold anything from the engineer (i.e. \$3,500 for work to be done in the spring). She also asked about payment to BOCES attorneys.

Mr. Stapleton said no, the contractor should be paid the amount they bill. He said the BOCES attorney fees will be received with the BAN figures. He said he has no figure from them at present.

MOTION #148 OF 2010

MR. THOMAS MOTIONED TO AUTHORIZE THE FOLLOWING PAYMENTS FOR WORK DONE ON THE HEWES BOCES SEWER DISTRICT PROJECT FROM BOND ANTICIPATION NOTE PROCEEDS ANTICIPATED ON 12/3/10:

- ST. GEORGE CONSTRUCTION, INC. IN THE AMOUNT OF \$115,042.00 (AND AN ADDITIONAL RETAINER AMOUNT OF \$6,055.00 UPON COMPLETION OF WORK IN THE SPRING), FOR A TOTAL OF \$121,097.00
- ALIANELLO ENGINEERS IN THE AMOUNT OF \$15,146.22 (FIGURE INCLUDES \$5,853.02 WHICH THE TOWN HAS ALREADY PAID) AND AN ADDITIONAL ANTICIPATED AMOUNT OF \$3,500 TO BE PAID IN THE SPRING AT COMPLETION OF THE PROJECT FOR A TOTAL OF \$18,646.22 (APPROXIMATELY \$18,750.00).

MR. SENA SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **EFC CONFERENCE – FUNDING FOR STUDY ON WATER**

Mrs. Carlson said at the Environmental Facilities conference in Jamestown she had been provided with information for possible grant funding for the sewer study which had been defeated by referendum vote in September, 2009. She asked if the board wished to pursue grant funding to get the study done.

MOTION #149 OF 2010

MR. WHITNEY MOTIONED TO AUTHORIZE THE SUPERVISOR TO PURSUE GRANT FUNDING FOR A SEWER STUDY FOR THOSE PORTIONS OF THE LAKEFRONT IN THE TOWN OF NORTH HARMONY NOT COVERED BY SEWER. MR. SENA SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **BRIDGE AT CHENEY'S POINT – REPLACE DECK – COST COMPARISON**

Mrs. Carlson asked Mr. Ryan if he had gotten any cost estimates for replacement of the pipe and decking.

Mr. Ryan said the cost of pipe fluctuates each month so estimates are difficult to achieve until closer to construction start.

Mrs. Carlson asked if he would get estimates for both replacing the deck and tubing.

Mr. Ryan agreed.

- **ADOPT 2011 BUDGET**

MOTION #150 OF 2011

MR. STOW MOTIONED TO ADOPT THE 2011 BUDGET AS PRESENTED AT THE 11/3/10 BUDGET HEARING. MR. THOMAS SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

TOWN BOARD

11/8/10 (Pg. 4)

- **NEW BUSINESS:**
- **SCHEDULE HEARING ON COMPREHENSIVE PLAN**

Mr. McCord said there are 3 steps in the adoption of a Comprehensive Plan: 1) Information is gathered for the draft; 2) full SEQRA and Public Hearing because it is a Type I action; 3) Town considers the adoption of the plan. He said step one has been completed with the work the Planning Board has done and public information/input meetings held and draft document inclusion on the town website. He said the draft on the website has 2 minor changes; one on page 70 where the regional map does not include the lake and the other on page 87 under Transportation, the inclusion of the CARTS program. He said he had contacted them and although they do not have scheduled stops in North Harmony, you can call and request a pickup by the CARTS program. He said there have been no changes to the scope of recommendations for the plan.

Mrs. Carlson asked if there were any questions.

MOTION #151 OF 2010

MR. SENA MOTIONED TO HOLD A SEQRA AND PUBLIC HEARING ON THE TOWN OF NORTH HARMONY COMPREHENSIVE PLAN ON TUESDAY, NOVEMBER 30, 2010 AT 6:30 PM. MR. THOMAS SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. Stapleton said he would get together with Mr. McCord to work out the details.

- **SCHEDULE HEARING ON GOOSE CREEK**

Dan Mangione said he represents the Goose Creek Corp. and they have been trying for some time to subdivide the lots (leased lots formerly a part of Loomis Bay). He said they have been working with the Planning Board and have presented a package to them.

Mr. Sena said he has been attending the PB meetings and the board has accepted Mr. Mangione's proposal as described and are in favor of it. He said the board had requested that the corporation create larger lots through the combination of smaller lots and they have done that in their color coded map.

Mr. Mangione said the Corporation wishes to combine lots so that larger lots exist.

The proposal package is for a subdivision of leased lots in the Corporation which will combine some of the sub-standard lots. At the point that the corporation took over, Ed Loomis owned the lots and the corporation owned the improvements. The corporation has since purchased the land and is requesting that the town allow them to acquire ownership of these lots so that they can be individually deeded and improved. Mr. Mangione said there are more than 7 lots and there will be deed restrictions. Mr. Mangione said they have spoken to Mr. Stow, Chaut. Co. Health Dept. who indicated that since the cottages are over 30 years old there are no issues with NYS subdivision laws. The applicants used an old survey map and have provided a color coded copy showing all of the lot combinations requested. They would prefer not to incur the cost of an entire new survey until they are assured of town board approval. He said they already have a surveyor lined up to do the final survey if the subdivision is approved by the town.

Mr. Stapleton said that a full Type I SEQRA would be required to determine if any issues exist as well as the entire subdivision process. He questioned if any action should be taken without a final survey.

Mrs. Carlson said the corporation has some conditions in place which limit the use of the cabins to a seasonal basis.

Mr. Mangione said the health department has already done water and septic testing and found no issue.

Mr. Stapleton said he would meet with Mr. Mangione to review and help develop the conditions. He asked if the SEQRA had been filed. He said he would discuss the application with the PB Chairman.

TOWN BOARD

11/8/10 (Pg. 5)

Mr. Mangione said he would fill out the SEQRA form.

Mrs. Carlson said if the forms could be completed before the next board meeting perhaps the SEQRA and hearing could be scheduled before the end of the year.

There was further general discussion of the corporation and survey requirements.

- **SCHEDULE HEARING ON DOG LICENSING AND CONTROL LAW**

Mrs. Thomas said she had been working on the draft dog law and has provided a copy to all board members. She said Mr. Stapleton has had a copy of the law for some time and has made a couple of minor suggestions. She said the 1982 town law regarding dog control has been updated in this process. She said she would like to have Mrs. Grover and Mr. Stow review the law and help determine fees for impoundment, redemption, etc.

Mr. Whitney asked several questions about the changes to the previous draft.

Mrs. Carlson asked if there would be additional changes to the draft.

Mrs. Thomas said the draft is complete with the exception of determining fees.

Mr. Stapleton said the clerk had done a good job of putting together a comprehensive set of changes. He said he has reviewed it and has suggested only minor semantic changes.

There was further general discussion.

Mrs. Carlson said the law needs to be in place before 1/1/11 because the licensing of dogs will become the town's responsibility at that time. She said the best the board could do was to schedule a public hearing date at the December board meeting for the year end meeting.

- **BID ON REGNER PROPERTY \$20,000**

Mrs. Carlson said Bret Emick had called and offered \$20,000 for the Regner property. She said she had responded that the town has more money than that in the property and were not interested in the bid. She said she suggested that he send something in writing that was a little more reasonable and he has not responded to date.

- **ZBA ALTERNATES – DAN THOMAS, HELEN EMICK**

Mrs. Carlson said two people have indicated an interest in serving as substitutes on the Zoning Board of Appeals.

Mr. Sena said Mrs. Emick had expressed her interest in the ZBA to him and he had indicated he would let the board know. He said there was a recent ZBA hearing where quorum could not be met and the meeting was cancelled.

MOTION #152 OF 2010

MR. SENA MOTIONED TO APPOINT DAN THOMAS AND HELEN EMICK AS ALTERNATES TO THE ZONING BOARD OF APPEALS EFFECTIVE 11/8/10. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **CHAMBER OF COMMERCE – WORLD LEARNING CENTER**

Mrs. Carlson said she had attended a recent Chamber of Commerce breakfast and they are proposing that Chautauqua Co. be named the Learning Center of the World. She said it was discussed that many people come to the area on vacation and wish to learn things while they are here (i.e. quilting, antique restoration, fly fishing, etc.). She said she thinks this idea could really be built on.

TOWN BOARD

11/8/10 (Pg. 6)

- **SCHEDULE SEQR HIGHWAY BUILDING – ADVERTISE FOR ENGINEER FOR DRAINAGE**

Mrs. Carlson said she and Dave Stapleton have had discussion on the scheduled SEQR for the new highway building. She said an engineer's input is really needed for drainage and the town needs to advertise for that.

MOTION #153 OF 2010

MR. SENA MOTIONED THAT THE TOWN ADVERTISE FOR AN ENGINEER FOR THE HIGHWAY DEPT. BUILDING DRAINAGE. MR. WHITNEY SECONDED.

Discussion:

Mrs. Thomas asked if specifications would be needed for the advertisement for bids.

Mr. Stapleton said he has not seen the proposal. He said if the RFP is far enough along to be able to show prospective engineers the site map, size of building, plans from Town of Carroll, etc. perhaps they could advise if that is enough information to submit a bid.

Mr. Stow said there are other items that need to be addressed; plumbing, electric and heating.

Mr. Stapleton said the town is trying to create a site plan so that the SEQRA process could move forward. He asked if there is a topographical survey of the highway property.

Mrs. Carlson said yes, the town had recently had one completed.

No vote was recorded on the preceding motion.

MOTION #154 OF 2010

MR. SENA MOTIONED TO AUTHORIZE THE TOWN CLERK TO ADVERTISE FOR A PRELIMINARY MEETING OF PROSPECTIVE BIDDING FOR AN ENGINEER FOR DRAINAGE DESIGN AT THE PROPOSED HIGHWAY BUILDING SITE. THE TOWN ATTORNEY AND SUPERVISOR ARE AUTHORIZED TO DEVELOP THE APPROPRIATE LANGUAGE FOR THE PUBLICATION NOTICE. MR. STOW SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **ART'S BOOK ON THE FERRY**

Mrs. Carlson said Mr. Thomas has completed his book on the Bemus Point Stow Ferry and is looking for photographs that are not copyrighted. She said she would like authorization from the board to underwrite the cost of having the book published (150 front/back pages, spiral bound). She said the proceeds from sales would come back to the town to cover the printing costs with perhaps a portion going to some type of good cause.

Mr. Thomas said he would prefer it if all proceeds come back to the town and the town can make the decision as to where any profits should be allocated. He asked for the best, clearest pictures that could be found, that have not been copyrighted, for inclusion in the book.

Mr. Sena suggested an ad in the paper to solicit photos.

Mrs. Carlson said perhaps an article in the next newsletter would be a good idea.

MOTION #155 OF 2010

MRS. CARLSON MOTIONED THAT THE TOWN UNDERWRITE THE PUBLICATION COSTS OF ART THOMAS' BOOK "A FERRY STORY" AND THAT PROCEEDS RECEIVED FROM SALES BE RETURNED TO THE TOWN. MR. SENA SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

TOWN BOARD

11/8/10 (Pg. 7)

- **BICENTENNIAL FERRY CELEBRATION – Meetings scheduled for the 1st Tuesday every month at 7:00 PM at the Community Building (all are welcome to attend)**

Mrs. Carlson said she has committed the town to inclusion in the Chautauqua County Passport Program to celebrate the county's bicentennial. She said this means the town will purchase a stamp (the town logo) at a cost of \$50 that can be used to stamp individuals "passports" using a town event as a destination. She said the ferry celebration will be doing its own stamp for the event.

- **COMMUNITY BUILDING BREAK IN 11/8/10**

Mrs. Carlson said the building had been broken into. She said she would like to get estimates for a camera system for the building. She said the system at the highway could not be linked to the community building.

Mr. Sena said it would be a good idea to also get an estimate on upgrading the current alarm system at the building as well.

Mrs. Thomas said part of the problem with the existing system is that so many people have keys to the building and the existing code is the same for everyone. She said the current system allows for a small window of time to deactivate the alarm using the universal code when a person enters and this is confusing for those persons with occasional access to the building. She said it would be nice if each individual key holder had their own code.

MOTION #156 OF 2010

MR. SENA MOTIONED THAT THE TOWN ADVERTISE FOR SEPARATE BIDS FOR A SECURITY CAMERA SYSTEM AND ALARM SYSTEM UPGRADE AT THE COMMUNITY BUILDING. MR. THOMAS SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. Bensink asked if the court could have a separate pin system for the judge's rear door.

Mrs. Carlson said she would look into it.

- **REPORTS:**

Mrs. Carlson said Mr. Gould is in Buffalo tonight and Mr. Lawson is attending a Zoning Board meeting in the Town of Ellicott for Tanglewood Manor.

- **COMMITTEE REPORTS:**

PARKS: **Mr. Sena** said the memorial plaques are up on the wall at the Lighthouse Park pavilion. He said the town may want to wait to put up the display board until after winter as they may want a chance to clean and refresh it. He said there is room for about 80 more bricks on the wall and perhaps the town should advertise that and solicit local businesses. He said it is a good way to raise money for park projects. He said he had only received one bid (\$750) for painting on the lighthouse (upper railings), pavilion posts and beams, and hopes to get more.

Mrs. Carlson said the highway has put up the "Parking for Park Use Only" sign in the parking lot. The sign is also up at Cheney's Pt.

HIGHWAY: **Mr. Stow** said there has been discussion on the location of the new highway building. He said Mr. Ryan has been doing some site work and they are working on recommendations for the sewer

TOWN BOARD

11/8/10 (Pg. 8)

and water well. He said the building size has been reduced from the Town of Carroll drawings and currently calls for a 120x60' footprint with 6 bays (one pull through) with 16' doors.

Mr. Whitney said the reason for the reduction of the building size is because the Town of Carroll plans included space for their water department.

JAY GOULD, LEGISLATOR:

Mrs. Carlson said Mr. Gould had called and said that the county budget for next year is the same rate as the budget 4 years ago. She commented that this is with a great deal more in assessed value than 4 years ago. He agreed. She said she was glad that Soil and Water had been restored to the budget as they have been very helpful to the town.

RANDY HOLCOMB, ASSESSOR:

Mr. Holcomb's report stated that the fire districts had finally been combined at the tax office but will not be seen on the assessment role until 2012. Mrs. Carlson said she did not know why it had taken so long because the motion was passed years ago. Mr. Holcomb also indicated that Enhanced STAR renewal forms should be mailed in January, 2011.

Mr. Stow noted that the fire district resolution had actually been passed twice.

GARY RYAN, HIGHWAY SUPERINTENDENT:

Mr. Ryan said he had nothing further to add to what has been previously discussed.

Mr. Whitney asked about the use of trees taken down at the highway building for firewood.

Mrs. Thomas asked if waivers of liability would need to be used as they have at the brush dump.

Mr. Ryan said he would not want to sit and wait for people to apply in order to finish the excavation work. He said it would be a board decision.

HOWARD PEACOCK / EVERETT BENSINK, JUSTICES: (copy in Minute book)

Mr. Bensink read the October Monthly report and said it was a banner month for fine collections.

DAVE LLOYD, STORM WATER PLANNING:

Mr. Lloyd said that the **Cheney's Point Project** is 90% complete and it looks very good. He said they had tried using some large gravel from the stream for support behind the first dam, but they are not happy with the stone as it rolls away during heavy rain. He said they plan to replace the stone with heavy rip-wrap in the spring when the town starts work on the bridge with heavy equipment. He said the hydro-seeding was done by Chautauqua Co. Soil and Water on a grant that the town had participated in prior to acquiring its own hydro-seeder. He said as of 11/1/10, they still have some turf reinforcement mat to put down and BOCES VOTEC will help plant some willow brush in the spring. He said there have been many comments from area residents on the value of the project. He said that receiving the grant funding should not be an issue. He said that the **Ashville Rain Garden Project** is moving along with survey and engineering work underway. The project will resume after the last frost in spring. He said JCC has expressed interest in assisting with planting on that project. Mr. Lloyd said the **Bly Hill Ditch Project** appears to be on the short list of projects for funding under the bed tax for 2011. Mr. Lloyd said that Rick Constantino, Coordinator for the County Watershed Programs will be resigning as he has been offered another position. He said Mr. Constantino will be missed and the town will be working with someone new next year. Mr. Lloyd said he is compiling a list of projects (9 currently) where he would like to get the grant applications to persons who are private property owners after the first of the year. He said the goal would be to get these property owners to seek grant funding on their own which would benefit not only them but the town as well. He said the projects are mostly in the Goose Creek area.

TOWN BOARD

11/8/10 (Pg. 9)

NANCY THOMAS, TOWN CLERK (copy of report in Minute Book)

Mrs. Thomas said the clerk's office has been focused largely on the dog licensing issue. She said Mrs. Best as Deputy Clerk and Dog Enumerator has been working very hard on counting and assuring licensing compliance in the town.

Mrs. Best said she has been focusing on the enumeration in the more rural areas of the town. Currently she has counted 362 dogs in the "upper 40" (Butts, Carpenter-Pringle, Open Meadows, Panama-Stedman Roads and those running parallel to Rt. 394). She said she will focus next on the roads leading down to the lake. She said for comparison that in October, 2009, 23 dogs were licensed totaling \$110.00 and in October, 2010, 54 dogs were licensed totaling \$362.00 (up \$252.00). She said the west side of Rt. 394 from Stow to Magnolia has also been done.

Mrs. Thomas said these figures do not include the more densely populated areas around the lake and in the hamlet of Ashville. She asked that in order to have the Dog Licensing and Control Law in place in a more timely fashion, the board might consider prior review of a final draft and discussion at the 11/30/10, public hearing scheduled for the Comprehensive Plan. She said that perhaps then the public hearing on the dog law could take place at the 12/13/10 board meeting as opposed to the yearend meeting. The board agreed.

Mrs. Best asked that the Supervisor include in any upcoming press release the request that any dog owner whose dog has changed status (i.e. deceased, transfer of ownership, etc.) please contact the clerk's office and notify them of that change.

MOTION #157 OF 2010

ON A MOTION MADE BY MR. THOMAS 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 #158 OF 2010

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

MOTION #159 OF 2010

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

MOTION #160 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.

Mrs. Carlson said Mr. Sena has requested a moment prior to adjournment to address the board and those present.

Mr. Sena said he wished to make a statement of defense after consulting with North Harmony residents, residents of other areas, and an attorney. He read the following letter into the record.

TOWN BOARD

11/8/10 (Pg. 10)

Fellow board members, town employees, guests, and citizens of our town. I would like to publicly, on record, address the meeting held Wednesday, November 3rd at 5:30 pm at the Town Highway Dept. ending here. The meeting started constructively with discussing demolition of the existing highway building and possible asbestos siding removal and abatement. I believe we are all in agreement that testing is needed. As the group moved to the revised proposed highway building site a heated discussion took place when our highway superintendent, Mr. Ryan, leveled several untrue and unfounded accusations against me. This was prompted by my shock and dismay of groundwork completed at our highway department property which happens to border my personal property. I left word with our town supervisor that I was upset and extremely concerned about trees, erosion, run off, and the removal of gravel offsite without any prior notice of this major undertaking as a next-door neighbor and town councilman. My tenant was worried about a leaning tree and potential damage to his boats on site. I may add that this tree issue has been resolved. Mr. Ryan accused me of getting upset because his actions didn't benefit my "buddies", nor me, mentioning this several times. His first comment that "my buddy is not getting the trees" that he got rid of them. Firstly, I found this person in the Penny Saver "looking for locust trees for fence posts". He said it is difficult to find stands of locust and he has orders for farmers and the Amish. He was insured, he would cut, haul away, and pull the brush to the pit for free. This would save us all the work and utilizing the wood. I never met this person prior to introducing him to Mr. Ryan for him to work out any details. I thought a win, win situation. As far as the statement "dirt for my buddies or myself" is completely unfounded and ridiculous. As a contractor I have access to any and all fill material I would ever want. I do not need or anyone I know need, fill dirt. Mr. Ryan accused me in his profanity filled rant that I was against anything he did and won't even sign his vouchers. This is also an unfounded statement. In the two years that I have served I have only refused to sign one invoice out of principal. Sure, I have questioned many, as I have most all departments; office supplies, computer purchases, town attorney billings, our code enforcement officers itemization of mileage, and better record keeping for our dog control officer to name a few. He is not singled out. I ask questions firstly for learning this job, which I take very seriously. Secondly, for understanding why certain things are purchased or logged and finally I just won't blindly sign something that I can't tell what it is! Most of the time I am the first one here signing and last one to finish because I read and review before I sign.

We are in the midst of undertaking the largest capital project of maybe our history. When this first started, we all met in Sherman and at the highway property. Communication seemed to be good. Since then I learned Wednesday that a meeting was held without my knowledge about moving the building site completely out of the original footprint where the soil core tests took place. I also learned that a meeting was held without my knowledge at the Town of Carol's highway building. Obviously, if I would have been privy to this information a lot of this could have been avoided. We are in the process of spending several hundred thousand dollars of taxpayer money on taxpayer property. We will all be making decisions and voting on various aspects of this project. I have been blindsided twice at monthly meetings. Once with the change in length and with the total demolition of the existing building and not keeping the block building for a welding shops. Now with meetings I know nothing of. I would like it publicly stated that I am in full agreement that we need a new highway building and I have been and still am in support of it. My only hesitation may come during the bidding process. For those who don't know my background; I've been in construction for 35 years, soon to be 25 years in business. I grew up around bulldozers and backhoes, running many. I have a degree in building construction technology from Alfred, graduating first in my class. I have years of continued education. I gave taught adult education in building construction. And I write about my experiences quarterly along with my 23 years of home inspection experience. I have also served as an expert witness for many construction related court cases over the years. I know a little about building projects. I would think at the very least we should keep all board members informed of your progress and planning.

In conclusion I would be remiss if I didn't mention the excavation of the gravel that was removed and trucked to several locations in the area. At our first meeting we were in agreement that any excavation material would be used to fill in the "crater" on site. My personal opinion is that this is a misuse of manpower and equipment. 5 Mile average round trips and dozens of them created unnecessary wear and tear on trucks, tires and fuel consumption. We have more than enough space for it, creating useable land previously lost to dumping, the gravel removed is

TOWN BOARD

11/8/10 (Pg. 11)

premium fill material. My first words to Mr. Ryan were "I don't want to get into an argument" I became upset defending myself and I apologize for this. Sincerely, Richard Sena

Mr. Ryan commented that Mr. Sena should do his job and he would do his.

Mrs. Carlson said we are all working for the taxpayers and we need to find a way to work together. She said in order to make that happen we need to improve communications between the Highway Committee and the rest of the board.

Mrs. Carlson noted that she and Mr. Whitney had gone to the Town of Carroll to see their building at least a year before Mr. Sena became a board member.

MOTION #161 OF 2010

MR. THOMAS MOTIONED FOR ADJOURNMENT AT 9:30 PM. MR. STOW SECONDED
AND THE MOTION WAS CARRIED UNANIMOUSLY.

Nancy Thomas
Town Clerk