

**TOWN OF NORTH HARMONY
TOWN BOARD MEETING
MONDAY, 10/11/10 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: Dave Stapleton, Attorney; Gary Ryan, Highway Superintendent; Howard Peacock, Everett Bensink, Justices; Robin Miller, Bookkeeper; Dave Lloyd, Stormwater Planning; Clayton and Helen Emick, Nancy Thomas, Town Clerk

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

MOTION #136 OF 2010

ON A MOTION MADE BY MR. THOMAS AND SECONDED BY MR. STOW, THE MINUTES OF THE 9/13/10 TOWN BOARD MEETING WERE ACCEPTED UNANIMOUSLY.

- **ANNOUNCEMENTS:**

Mrs. Carlson said Mr. Gould was unable to attend as he is in Florida and Mr. Lawson was unable to attend as he is at his son's football game.

- BOCES Safety Village Open House Thursday 10/14/10 at 4:00 PM
- BOCES Halloween Party Grades 1-5 at Safety Village Wednesday 10/27/10 4:30-7:30 PM

- **PUBLIC COMMENT:**

HELEN EMICK – PARKING AT LIGHTHOUSE PARK

Mrs. Emick expressed an ongoing concern about the Lighthouse Park and Stow Ferry parking lot being used as a parking lot for a local business. She asked that some type of action be taken on the issue.

Mr. Sena provided photos of the parking lot and said it appears that there are many out of town cars that are using the parking lot overnight. He said he has spoken to the owner of the business who indicated that he does tell patrons not to park there and they only do it once in a while. Mr. Sena said he has been there on several occasions and the lot is full of vehicles, including boats and trailers parked lengthwise, with out of town plates. He said the owner seems to take the situation lightly.

Mrs. Carlson said there had been a sign that said no boat trailers. She said she finds the boat trailers objectionable. She said it is rare that you cannot find a parking space there.

Mrs. Emick said that during the summer months that is not true. She said they and other people in the area have businesses and have to provide for off street parking and he should have to also. She said Mrs. Carlson has stated that the business in question does have its own parking. Mrs. Emick said this could be a problem when the Ferry Bicentennial celebration occurs next summer.

Mrs. Carlson said it does not matter to her, but if it would make the board happy to put up a sign, that would be fine.

MOTION #137 OF 2010

MR. SENA MOTIONED TO PLACE A “NO OVERNIGHT PARKING” SIGN AT THE FERRY LAUNCH. MR. WHITNEY SECONDED. *THE MOTION WAS WITHDRAWN BY MR. SENA.*

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Discussion:

There was discussion that the town does not have a local law or the means to enforce it since it is a public parking lot.

Mr. Thomas said the complaint is about Roger Miller's tenants using the lot.

Mr. Whitney said if Mr. Miller has his own off street parking he should use it. He said we should at least put up a sign that says "No Boat or Trailer Parking".

Mr. Sena said he would speak to Mr. Miller again.

There was further general discussion of the issue.

Mr. Ryan said he would place a sign stating "Lighthouse Park and Ferry Parking Only" at the location.

CLAYTON EMICK – 2011 BUDGET

Mr. Emick asked if the 2011 budget would have the 2010 actual included. He said there is so much thrown into contractual it is difficult to compare what expenses are from year to year.

Mrs. Carlson said the only way to separate the expenses would be to go through the vouchers and track the .4 contractual accounts.

Mr. Emick said gas, electric, etc. should have a line item. He questioned the Highway Dept. General Repairs .4 contractual amount of \$197,000.00.

Mrs. Miller said the budget formula is the one required by the state. She said her quick books program can track by vendors. She said there is also an abstract list of monthly expenditures by line item.

Mrs. Carlson said the board members review each voucher before the monies are expended. She said a breakdown of expenses is provided quarterly. Mrs. Carlson asked if Mr. Emick could wait until the end of the meeting to discuss the budget further.

• **CORRESPONDENCE:**

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

1. **INVITATION TO DEC PRESS EVENT STOW FARM HANDICAP ACCESSIBLE DUCK BLIND, 10/14/10, 11:00 AM**
Board members are encouraged to attend.
2. **ASSESSOR AUGUST, 2010 PROPERTY SALES (3 BELOW ASSESSED VALUE/2 ABOVE)**
Hadley Bay Restaurant assessed at \$273,000 was sold for \$115,000.
3. **NYMIR: 1) Loss Control Survey**
Mrs. Carlson said the town had received a list of items that needed to be addressed from the recent NYMIR inspection. She said most of them have been addressed but Mr. Ryan still needs to address the weight limits on the overhead loading beams which need to be weight labeled.
Mr. Ryan said the only company who can do the job is in Buffalo and he will contact them.
2) Proposed Rate Adjustments down 10-15%
3) Handbook – Sign Reflectivity by Jan. 2012
4. **WATERSHED PLAN – CLMC (Plan is on file)**
5. **ASSOCIATION OF TOWNS – ONE DAY SEMINAR ON PERSONNEL MANAGEMENT**

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6. **TIME WARNER – SPORTS TIER \$5.95
EXPIRATION OF AGREEMENTS**
7. **CHAUT. CO. PLANNING – STOW AREA PROJECT \$28,631.25 funding received**
8. **NYS COMPTROLLER - Justice Court Fund \$12,735 to Town/\$23,296.25 to NYS
- \$12,062 AIM Payment**
9. **GOVERNOR PATTERSON – OBAMA CARE – NO ANNUAL OR LIFETIME LIMITS**
10. **TOWN OF BUSTI – RESOLUTION IN SUPPORT OF MARCELLUS SHALE DRILLING**
11. **ZBA – NO MEETING 9/22/10 AS QUORUM NOT MET – Dan Thomas interested if Appeals
Board Opening**
12. **PLANNING BOARD MINUTES 9/14/10**
13. **CHAUTAUQUA COUNTY COMPREHENSIVE PLAN**
14. **SOIL PROFILE – LOUIS RIEG**
15. **N.Y.S. ATTORNEY GENERALS OFFICE – FOIL REQUEST RT. 474 GAS STATION**
16. **N.Y.S. - SEQR – LORMAN EDUCATION 12/2/10
- WASTE AND RECYCLING
- CHAUTAUQUA CO. FIRE SERVICE**
17. **SMITH FAMILY – TWO THANK YOU NOTES FOR WORK AT CEMETERY**
18. **LEGAL NOTICE ZONING AMENDMENT – TOWN OF HARMONY**
Mr. Sena said they are adopting NYS Code which will basically mean that you can no longer have a hunting cabin. Floor space must be 1,050 sq. ft. and potable water supply and septic installed.

- **OLD BUSINESS:**

- **CHENEY CREEK PROJECT – Bridge needs replacement (box culvert \$200,000)**

Mr. Ryan said the project is on hold because of heavy rains. He said the town bridge on Cheney has been inspected by the county and it needs to be replaced. The beams used in the original construction were not new to begin with. Mr. Ryan has been talking with Rex Tolman to see what the options are as far as putting in pipe but Mr. Tolman indicated the best solution would be a box culvert (cost \$200,000).

Mrs. Carlson said the cost was prohibitive for an 18' bridge. She said they will continue to discuss a solution.

There was general discussion of types of pipe that could be used between Mr. Ryan and Mr. Stow.

Mr. Ryan said he has posted a 3 ton weight limit on the bridge.

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- **CAMERA SYSTEM AT TRANSFER STATION – OLD SYSTEM?**

Mrs. Carlson said the camera system has been installed at the highway building. She asked the board what they would like to do with the old system.

Mrs. Miller suggested using the old camera at the Lighthouse Park Pavilion as a deterrent.

Mrs. Carlson said probably the town would get a new camera to install at the park and hook it into the new system.

Mr. Sena said he has spoken to our transfer station workers and they indicated that early dumping is getting worse.

Mr. Ryan requested that software be installed on his home computer so he could view the camera tape in real time.

Enforcement was discussed and Mrs. Carlson said that Under Sheriff Holder indicated that if license plate numbers can be seen by the cameras they can take those numbers and identify the vehicle owners, even if they are out of state. The new dumping law allows for prosecution of violators.

MOTION #138 OF 2010

MR. WHITNEY MOTIONED TO APPROVE THE INSTALLATION OF SOFTWARE AT THE SUPERVISOR AND HIGHWAY SUPERVISOR'S HOME TO VIEW SECURITY CAMERA REAL TIME FOOTAGE, WITH THE STIPULATION THAT WHEN THEY LEAVE OFFICE THE SOFTWARE SYSTEM WILL BE REMOVED. MR. THOMAS SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **BOCES SEWER** **1) Received unemployment coverage statement (workmans comp)**
 2) Issue – Road push 10” lower – will install manhole at no charge

Mrs. Carlson said the workers had run into bedrock when doing the road push. She said the push does not go straight across and hook up the way the engineers had thought it would. She said they had installed a manhole at the connection at no additional. She said she should be getting something in writing from the Engineer, Alianello stating this and she will follow up.

- **CLA WEED CLEANUP**

Mrs. Carlson said she had spoken to Paul Swanson at the CLA and they will be glad to pick up lake weeds in specific areas (roadsides) by phone appointment.

- **COMPREHENSIVE PLAN**

Mr. Sena said the Comprehensive Plan is pretty much complete. He said at the Planning Board meeting scheduled for tomorrow night they will do a last review before public hearing and final adoption. He said the public input at the August meeting, although not large, was favorable.

Mrs. Carlson said a public hearing on the comprehensive plan would need to be scheduled at the next town board meeting.

- **TRANSFER STATION BIDS**

Mrs. Carlson said two bids had been received for the operation of the transfer station.

- **Casella Waste Management of NY, Inc.** **2011 - \$4,416.00/month**
- **Penhollow Disposal, Inc.** **2011 - \$2,075.00/month**

MOTION #139 OF 2010

MR. SENA MOTIONED TO ACCEPT A ONE YEAR BID IN THE AMOUNT OF \$2,075.00/MONTH FOR THE YEAR 2011 OPERATION OF THE TRANSFER STATION FROM PENHOLLOW DISPOSAL, INC. MR. THOMAS SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **NEW BUSINESS:**

- **LIGHT AT NEITS CREST – 100 WATT**

Mrs. Carlson said the town has a request to maintain a street light located for many years at Neits Crest. She said the person who had been paying the bill had passed away and the new owner of the property was not interested in assuming the expense of the light. She said the cost to the town would be \$101.00/year for the 100 watt light.

MOTION #140 OF 2010

MR. THOMAS MOTIONED THAT THE TOWN ASSUME THE MAINTENANCE PAYMENT OF \$101.00/YEAR FOR A 100 WATT STREET LIGHT AT NEITS CREST. MR WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **FIRE DISTRICT WEBSITE – OR USE TOWN’S**

Mrs. Carlson said it had been discussed having the Fire District put their minutes and information on the town’s website.

Mrs. Thomas said she felt it would be confusing for people looking for information on the Fire District. She said people would not naturally look for that information on the town’s website and she is not sure that the website home page would hold the type and volume of information the Fire District might want. She said she has posted the Fire District minutes and budget on a link from the town’s website. She said that could only be on a month to month basis. She said the town has minutes archived for the last two years by the website designer available for public view. She said she has provided Mrs. Miller, Bookkeeper to the Ashville Fire District the name of the town’s website designer. She said there is also the option of a Cornell developed digital towpath website and the costs are extremely low for that system. She said she would provide the name of a contact to Mrs. Miller to investigate that system.

Mrs. Miller said the district is considering their own website. She said NYS law states that all fire districts should send their budgets and minutes to the town for publishing on the website.

Mrs. Thomas said it would make better sense for them to have their own site where they could post meetings, dates, upcoming events, etc. for the district in the right fashion.

Mr. Sena suggested that the town’s site could have a link to the district website.

Mrs. Thomas said that would be a good idea. She said the town’s website currently has links for Chautauqua Co. tourism information and the capability to send an e-mail directly to the Supervisor, etc.

Mr. Stow clarified that a Fire District is run by a board of commissioners and a Fire Protection District is run by a municipality. He said ours is a fire district run by a board of commissioners.

Mr. Thomas asked if adding the district would involve any municipal cost.

Mrs. Carlson said yes, if it were added to our website, there would be a cost for the website designer’s work. She said they would hold discussion of the issue in abeyance until further information is known.

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- **COUNTY WITHDRAWAL OF SAFE/HARMLESS ON FUEL AND ENERGY CHARGES – Will amount to approximately \$50,193.00 in 2012 Budget**

Mrs. Carlson said she had contacted the county concerning their withdrawal of the safe harmless on the fuel and energy charges. She said this is something that the county has been paying to the town out of their general fund and they are in no position to continue doing this. She said this will mean that revenues are down \$50,000 in the 2012 and the town will have to be prepared for this.

- **RAYNOR PROPERTY NEXT TO COMMUNITY BLDG. – DEC SPILL UNIT DIG TEAM**

Mrs. Carlson said the oil tank at the Raynor property next door had leaked. She said the DEC Dig Team had been notified and responded and the person she spoke to said it did not appear that there was that much damage to the soil. Mrs. Carlson said there had been concern because of the shallow water well at the community building and because the building has a basement. She said we will have to wait to see if we hear anything further from them.

- **HALLOWEEN HOURS- Set for Saturday 10/30/10 and Sunday 10/31/10 5:00-7:00 PM**

- **SCHEDULE PUBLIC HEARING ON DOG LAW**

Mrs. Thomas said she is not ready at this time to set a public hearing date for the dog law. She said she has provided each board member and the town attorney with a copy of the 1982 Dog Law as adopted and incorporated some revisions. She said there is some question as to the inclusion of the Pit Bull law and was not sure if the entire Dog Control Law should be re-written to include licensing and all the amendments. She said there is also the question of the Animal Population Control fees (\$1 for spayed/neutered dogs and \$3 for unsprayed/un-neutered dogs) that the state will be collecting. She said the current Ag and Markets law allows that these fees may be administered by an approved entity application (i.e. Chautauqua County). She said she had spoken to the supervisor who has contacted Sandy Sopak, Chautauqua County Clerk to see if the county might be interested in managing these funds so that they may be kept and used locally. The \$1 fee can be used to offset administration costs and the \$3 fee would be used for vouchers for approved low income families to pay for spay/neutering of both dogs and cats. Mrs. Thomas said currently the state has not spent any funds on Animal Population Control since October of 2009 and indicates that by 12/31/10, there will be over \$700,000 in that fund. She said the New York State Town Clerks Association is questioning why towns cannot administer those funds. She asked the board members to review the information provided and make suggestions, corrections, etc., so that they might be included in the new law.

Mrs. Miller asked if violation fines would be increased.

Mrs. Thomas said yes.

- **SCHEDULED PUBLIC HEARING ON BUDGET – Wednesday 11/3/10 at 7:00 PM**

- **LEAF PICKUP SYSTEM**

Mrs. Carlson said someone had asked if a vacuum style leaf pickup system to be mounted on a truck could be considered for purchase by the town. She said this had been discussed several years ago. She said the purpose would be so that leaves can be picked from the road side and not allowed to accumulate in ditches or be dumped into the lake. She said the last price received was around \$20,000 and she would like the town to consider looking into it for next year if the funds are available.

Mr. Sena said it should be researched and discussed with the Highway Department.

- **REPORTS:**

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GARY RYAN, HIGHWAY SUPERINTENDENT

Mr. Ryan said Rod Asel, MEO is up for his last contractual employee handbook raise which will bring him up to scale of \$20.94/HR.

Mrs. Carlson asked if there have been any problems. She said details could not be discussed at open meeting.

Mr. Ryan said he is recommending in favor of the raise.

- **RODNEY ASEL, MEO RAISE EFFECTIVE \$.94/HR.**

MOTION #141 OF 2010

MR. STOW MOTIONED THAT ON RECOMMENDATION OF THE HIGHWAY SUPERINTENDENT, RODNEY ASEL, MEO BE GIVEN A RAISE OF \$.94/HR EFFECTIVE MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. Ryan said the Highway Department had been working at Cheney's Point, but the rain had hindered progress. He said currently they have two pumps operating there. He said they have been ditching, doing sign work and working in the shop.

Mr. Sena asked if Cheney's Point would be done this year.

Mr. Ryan said he didn't know. He said Ellicott pulled their track hoe because they needed it for a job and Chautauqua pulled their dozer because they needed it for a job, so he has no equipment.

Mr. Sena asked how this would affect funding.

Mr. Ryan said he didn't know.

Mr. Lloyd said the town does not get any funding if the project is not completed. The project has already been given a one year extension. He and Mrs. Carlson agreed that the county will not hold the funding over into the next year.

Mr. Ryan said he doesn't think the town's track hoe would be able to get in there and do the job.

Mr. Lloyd said that's \$30,000.00 that will be lost.

Mr. Stow asked if the block had been laid.

Mr. Ryan said they still have one more row of blocks to dig towards the bridge.

Mr. Sena asked about leasing equipment to do the job in order not to lose the funding.

Mr. Ryan said he would check with the county to see if they have a track hoe available.

Mrs. Carlson asked Mr. Ryan to contact the county and said perhaps he could also contact an equipment rental company for the use of equipment for a couple of days. She said Kingsview or Roger Vaillancourt might have equipment large enough for the job.

Mr. Sena said if the project is not completed the town will have to bear the entire cost of the project to date with no grant funding to offset costs.

Mr. Lloyd said if the project is not completed it puts the town on a lower scale for grant funding for future projects.

Mr. Ryan said he would take the town's track hoe to the site and see if it could handle the job. He said the largest problem is the steepness of the bank at the project.

Mrs. Carlson said she feels that the Bed Tax funding issue is still up in the air and the committee is concerned that the bed tax money will be appropriated and not available for any projects.

HOWARD PEACOCK/EVERETT BENSINK, JUSTICES (copy of report in minute book)

Mr. Peacock said he had nothing further to add to his written report.

Mr. Bensink read into the record the Justice Court Report provided by Court Clerk Vickie Stow. He said it is the highest amount of funds collected in one month that the court has received, \$53,499 (\$11-12,000

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more than the next largest month on record). This was largely attributed to the work zone between Panama and Stow exits.

BRAD LAWSON, ZONING CEO (copy of report in minute book)

DAVE LLOYD, STORM WATER PLANNING

Mr. Lloyd concurred with Mr. Ryan that rainfall that has slowed the project at Cheney's Point. He said the project is 95% done. He said they are hoping for good weather and an opportunity to get the equipment back in to finish it. He said a topographic survey and engineering drawings are being done on the Rain Garden Project for this year and they will hopefully begin digging in the spring. He said Rick Constantino seems to be fine with that and the project funding can be held for one year. He said we have received the final payment for the Stow Area project of \$28,631.00.

DICK SENA, LIGHTHOUSE PARK

Mr. Sena said that it has been decided that instead of putting the memorial bricks in a sidewalk at the park, he will mount the bricks on the wall under the pavilion. He said this was decided after discussion and on the recommendation of many professionals. He said he has all the material and it costs less than the track system would have. He said the bricks will be protected from the weather and there is room for 168 bricks as well as the History of the Ferry mounted glass case. He said the wall will be reinforced with plywood and he will adhere the bricks to the wall.

There was discussion of whether the light at the pavilion would have to be moved.

NANCY THOMAS, TOWN CLERK (copy of report in minute book)

Mrs. Thomas said the clerk's office had been awarded a grant to index Vital Statistics Records (Birth, Death and Marriage from 1892-1968). She said the town had recorded its first birth certificate in many years.

Mrs. Carlson confirmed that the last birth certificate the town had issued was Margaret Stow in 1955.

MOTION #142 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)

MOTION #143 OF 2010

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

MOTION #144 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 #145 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.

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MOTION #146 OF 2010

MRS. CARLSON MOTIONED FOR ADJOURNMENT AT 9:50 PM. MR. STOW SECONDED
AND THE MOTION WAS CARRIED UNANIMOUSLY.

Nancy Thomas
Town Clerk