

**TOWN OF NORTH HARMONY
BOARD MEETING
MONDAY, 1/10/11 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: Brad Lawson, Zoning CEO; Gary Ryan, Highway Superintendent; Dave Lloyd, Stormwater Planning; Howard Peacock/Ev Bensink, Justice; Robin Miller, Bookkeeper;; Betty Ryan; Dave Stapleton, Attorney; Nancy Thomas, Town Clerk; Jay Gould, Legislator; Louis Rieg, Planning Board; Lynn Smith; Clayton & Helen Emick

- **REVIEW JUSTICE COURT BOOKS – 6:30 PM**
- **PLEDGE**

A moment of silence was observed for Congresswoman Giffords of Arizona and others who were wounded and killed in Tucson, AZ recently.

- **MINUTES**

MOTION #1 OF 2011

ON A MOTION MADE BY MR THOMAS AND SECONDED BY MR. WHITNEY, THE MINUTES OF THE 12/28/10 YEAR END TOWN BOARD MEETING WERE ACCEPTED UNANIMOUSLY.

- **ANNOUNCEMENTS:**
- Bemus Pt./Stow Ferry Bicentennial Celebration (7/8,9,10/11) committee meeting Wednesday, 2/2/11, 7:00 PM at the Community Building.
- **PUBLIC COMMENT**

LYNN SMITH, QUIGLEY PARK

Mrs. Smith complimented the Highway Dept. on the job they have done on the roads this winter. She asked to reopen the issue of a study for sewer and water along the lake. She stated the lake is obviously ill and there are many lakefront homes with less than adequate septic systems.

Mr. Sena said there had been a vote on the sewer/water study and it had been soundly voted down.

Mrs. Smith said she understood there had been a lot of incorrect facts given prior to the vote.

Mrs. Carlson said there were definitely incorrect facts given because only the people who live in a water/sewer district pay for the cost, it is not a town wide expense. She said the reason there had been a town vote was because town money would be used for the study prior to the set up of a district.

Mrs. Smith said there are many residents who would like to see something done to provide these services.

Mr. Sena suggested a petition style campaign and said if enough signatures are obtained the issue could be reopened. He said the county is now checking septic systems prior to the sale of properties and this might weigh in favor of those wanting the services.

Mrs. Smith said there are many “tricks” that have been used in the past to skew septic check results for those trying to sell their properties on the lake.

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Mrs. Carlson said she would look into the cost of the Health Department testing septic along the lakeshore and ask if they have the manpower available.

Mr. Sena suggested contacting South & Center Chaut. Lake Sewer District to see if they would conduct the tests.

Mrs. Carlson said she is in favor of a sewer system and will make some phone calls to see what can be done.

HELEN EMICK, LAKELAND RD.

Mrs. Emick said she is on the other side of the coin when it comes to the sewer/water issue. She said all the facts need to be known. She said there are probably some septic systems that leach into the lake but the other reports and surveys that have come out should also be studied. She said these reports indicate that only about 5% of the problem is from septic. She said they (taxpayers) will be charged for having to have the services. She said larger issues are runoff and farmers.

Mrs. Carlson said she had never heard that only 5% of the problem was septic.

Mrs. Emick said she would provide the studies for Mrs. Carlson to review.

Mr. Emick asked who should be contacted about the Medicaid and Community College line items on tax bills.

Mrs. Carlson said the NYS Governor should be contacted since he has established a task force to work on ways to reduce Medicaid costs. She said this is long overdue.

Mr. Gould explained that when the federal government first started the Medicaid program each state was asked at what level they would contribute. He said at that time New York State was very rich and Governor Rockefeller said the state could contribute 25% and the county could contribute 25% and the feds could contribute 50% and that's the way it stands. He said we are the only state left that pays at that high a rate for the program. He said our representatives should be working at the federal level to reduce these costs. He said New York offers 27 – 30 different Medicaid programs while other states (Texas, California) offer 9 programs. He said we are also trapped because those living in New York City like having all these programs and their elected officials know that reducing them may cost them elections. He said this is a New York State Law.

Mr. Gould said the contribution to Community Colleges is also a New York State Law. He said he would try to provide the Emick's with the specific laws on the Medicaid and Community Colleges.

• **CORRESPONDENCE:**

1. **CHAUTAUQUA CO. DIRECTOR OF FINANCE**

Mrs. Thomas said she has received the listing of all monies paid to the town for the year 2010 from the county. She said the grand total is \$625,859.00 which includes sales tax, mortgage tax, grant funding, etc. She said she had provided the list to the supervisor if anyone is interested in those figures.

2. **DON EMHART, SUPERVISOR TOWN OF CHAUTAUQUA (Request to Lower speed limit on Magnolia Road)**

Mrs. Carlson said she had received a note from Mr. Emhart asking if the town board had any objection to changing the speed limit from 35 MPH to 25 MPH. She said this is the town line road at Chautauqua Escapes and both Chautauqua and North Harmony share from the center line of the road. She said the road goes from 394 to the lake.

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MOTION #2 OF 2011

MRS. CARLSON MOTIONED THAT THE TOWN REGISTER NO OBJECTION TO THE TOWN OF CHAUTAUQUA PURSUING A REDUCED SPEED LIMIT FROM 35 MPH TO 25 MPH ON MAGNOLIA ROAD. MR SENA SECONDED. MR. WHITNEY, MRS. CARLSON, MR. SENA; YES. MR. THOMAS, MR. STOW; NO. THE MOTION WAS CARRIED.

3. **REQUEST FROM BOCES CHILDRENS SAFETY VILLAGE FOR GAMES OF CHANCE LICENSE**

Mrs. Thomas said the approval of the application by Tony Raffa for BOCES Children’s Safety Education had been sent from NYS Racing and Wagering. She said the application sent to her office was missing an attachment which describes the intent of the applicant in the disbursement monies to be derived from the games. She said she would contact Mr. Raffa to investigate further.

- **OLD BUSINESS:**

- **EXCAVATOR**

Mrs. Carlson said Mr. Ryan had advertised for bids for a new excavator.

Mrs. Thomas read the bids received into the record as follows:

	<u>Bid Amount</u>	<u>- Trade In</u>	<u>Final Cost</u>
Milton Cat 2011 Caterpillar M316D	\$183,509.00	\$10,000.00	\$173,509.00
Five Star Equipment, Inc. 2011 John Deere 190D W	\$192,750.00	\$26,750.00	\$166,000.00
Monroe Tractor 2011 Doosan DX190W	\$157,767.00	\$32,000.00	\$125,767.00

MOTION #3 OF 2011

MR. STOW MOTIONED TO ACCEPT THE BID OF MONROE TRACTOR FOR A 2011 DOOSAN DX190W RUBBER TIRED EXCAVATOR AT A COST OF \$157,767.00 WITH A TRADE IN OF \$32,000.00, FOR A FINAL COST OF \$125,767.00 AND TO AUTHORIZE THE HIGHWAY SUPERINTENDENT TO PURCHASE THE EXCAVATOR. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **ELECTRIC AT THE FERRY LANDING**

Mrs. Carlson said that Mr. Sena had been right about the cost of the electric at the ferry going up due to the work going on at the landing. She said the bill has gone from a normal amount of approximately \$40.00/month to \$322.00 this month. She said she had contacted George Spanos and Greg Edwards. She said Mr. Spanos had asked her to send copies of a normal bill and the current bill. She said she has sent the bills and Mr. Spanos has indicated that the contractor on the project has agreed to cover the additional electric costs on the project.

- **NEW BUSINESS:**

- **RE-ORGANIZATION SCHEDULE 2011**

Mrs. Carlson said the re-organization schedule with town officials and salaries has been completed. She said for those who had not been at the budget hearing, no raises were given to town employees in 2011. She said that they felt that was appropriate since many of our residents are on Social Security and did not receive a raise this year. She briefly went over the changes and said she was eliminating the Youth Rec Committee because Chautauqua Opportunities now contracts with the town to oversee the program.

MOTION #4 OF 2011

MR. THOMAS MOTIONED TO APPROVE THE RE-ORGANIZATION SCHEDULE FOR 2011 AS PRESENTED AND ATTACHED TO THE MINUTES. MR. SENA SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **RE-APPOINTMENTS TO ZONING BOARD, PLANNING BOARD AND BOARD OF ASSESSMENT REVIEW**

MOTION #5 OF 2011

MR. WHITNEY MOTIONED TO RE-APPOINT DICK BARTON TO THE ZONING BOARD OF APPEALS FOR A SEVEN YEAR TERM EFFECTIVE (1/1/2011-12/31/2017) PENDING HIS APPROVAL. MR. SENA SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

MOTION #6 OF 2011

MR. SENA MOTIONED TO RE-APPOINT STEVE SENSKE TO THE PLANNING BOARD FOR A SEVEN YEAR TERM EFFECTIVE (1/1/2011-12/31/2017) MR. THOMAS SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

MOTION #7 OF 2011

MR. SENA MOTIONED TO RE-APPOINT CHRIS KEEFE TO THE BOARD OF ASSESSMENT REVIEW FOR A FIVE YEAR TERM EFFECTIVE (9/30/2010 – 9/30/2015) MR. STOW SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

MOTION #8 OF 2011

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

ALL OTHER OFFICIALS WERE AUTHORIZED TO:

- ATTEND SCHOOL AND MEETINGS AS BUDGETED

THE MOTION WAS CARRIED UNANIMOUSLY.

Mrs. Carlson asked Mr. Ryan if he ever used the snow blower and if it is still operational. Mr. Ryan said he doesn't use it a lot, but it is still operational.

- **AUDIT OF JUSTICE COURT BOOKS 2010**

MOTION #9 OF 2011

MR. WHITNEY MADE A MOTION STATING THAT THE TOWN BOARD HAS COMPLETED AN AUDIT OF THE 2010 JUSTICE COURT BOOKS. MR. STOW SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

• REPORTS:

JAY GOULD, LEGISLATOR

Mr. Gould said the following occurred in the Legislature in December, 2010:

- Motion to change legislature size was voted down (14 to 11) until Census info is received
- New members appointed to Safety Board; Planning Board; Environmental Management Council; Health Board and Community Services Board
- Voted to purchase 2 more engines for the methane to gas project at the landfill for \$3,500,000.00 (\$1,900,000 – federal funding) (county will bond for \$1,400,000). Voted to standardize using caterpillar engines for ease of parts and repair.
- Voted down holding more meetings in February, April and May
- Resolution to reduce sales tax on clothing (purchases under \$55 would be taxed at 4%, the states share). Resolution voted down.
- County reorganization meeting held on 1/3/11

Mrs. Miller asked if Cummins Engine had the opportunity to bid on the manufacture of the landfill engines.

Mr. Gould said originally, yes, but they could not produce an engine large enough for the application.

There was a general discussion of the studies involved in the process of reducing the size of the legislature. Mr. Gould said it is difficult because you cannot change the voting districts in the process. He said the committee that studies this is comprised of 5 members (3 from majority party and 2 from minority party).

GARY RYAN, HIGHWAY SUPERINTENDENT

Mr. Ryan said the highway department has been busy with the usual winter work. He said they have taken down the flag pole at the Community Building and will be painting and repairing it before installing it again.

HOWARD PEACOCK / EVERETT BENSINK, JUSTICE'S (report copy included in minute book)

Mr. Peacock said things have slowed down somewhat in the court.

Mr. Bensink read a copy of the Justice report.

BRAD LAWSON, ZONING C.E.O. (report copy included in minute book)

Mr. Lawson gave a 2010 year end report and said 77 permits had been issued for projects totaling about \$3,000,000 (up from 2009, 74 permits at \$1,800,000). He said things seem to be on the upswing even with building costs going up. He said the NYS 2010 Code is out. He said he is trying to put together an informal meeting with area contractors hopefully in February or March to go over the new codes. He asked the boards permission to have the meeting at the community building and that was approved.

Mr. Sena said as a contractor he felt the meetings would be very helpful.

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NANCY THOMAS, TOWN CLERK

Mrs. Thomas said the Clerk's office has been very busy with the NYS Ag and Markets mandated

changeover of dog licensing to the municipal level effective 1/1/11. She said the office has a new software program to help facilitate this and she has sent out over 40 license renewals and status update requests to resident dog owners. She said the town has received the 2011 Tax Warrant in the amount of \$3,419,993.00 (2010 warrant \$3,167,079 for an increase of \$252,914). She said tax bills were mailed on 1/3/11 and collection began 1/10/11.

MOTION #10 OF 2011

ON A MOTION MADE BY MR. SENA 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 #11 OF 2011

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

HIGHWAY COMMITTEE

Mr. Stow said a revised set of specifications had been developed for engineering firms interested in the highway building project.

Mrs. Thomas confirmed that copies of those specifications had been sent to all firms that had responded to the initial legal notice. She said the town had requested a response by Thursday, 2/3/11, in order to allow the board to review the information prior to the February board meeting.

PARKS COMMITTEE

Mr. Sena said the forms to order additional memorial blocks should be in by the February meeting. He said the company is allowing a minimum order of 10 blocks.

Mrs. Emick commended Mr. Sena on the work done at the Park and on the blocks.

VETERAN'S COMMITTEE (No Report)

MOTION #12 OF 2011

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

MOTION #13 OF 2011

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

NEWSLETTER

Mr. Emick asked when the next town newsletter would be going out.

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Mrs. Carlson said she would like to get one out in February and asked if anyone has any type of article or would like to include anything in the newsletter, they get it to her as soon as possible.

Mr. Gould said there has been some discussion of the new dog law and the issue of dog damage to livestock. He said Darin Schultz has been looking into whether a county or town fund should be set up to deal with those types of cases.

Mrs. Thomas said that NYS Ag & Markets is assuming that a person’s homeowners insurance will take care of dog damages to livestock, but with deductibles, it may not be covered.

There was general discussion of the Animal Population Control monies collected by NYS on each dog license and the lack of controls on the dissemination of those funds.

MOTION #14 OF 2011

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

*Nancy Thomas
Town Clerk*

2011 Salaries and Appointments						
					1/11/2011	
Mileage Rate per IRS			0.51			
SUPERVISOR	Sally P. Carlson		7,400			
COUNCILMEN (4)			2,000 each			
TOWN CLERK	Nancy M. Thomas		29,225			
ATTORNEY	David R. Stapleton		6,000			
TOWN JUSTICE #1 H.P.	Howard E. Peacock		8,725			
TOWN JUSTICE #2	Everett Bensink		6,025			
HIGHWAY SUPERINTENDENT	Gary L. Ryan		49,300			
COURT CLERK	Vickie Stow		13.76			
Deputy Court Clerk	Rene Yates		10.00hr			
Deputy Court Clerk	Barbara Peacock		10.00hr			
Deputy Town Clerk	Penny Best		10.00hr			
BOOKKEEPER	Robin L. Miller		13.76hr			
CEMETERY SEXTON	Jack Knowlton		10.00hr			
HISTORIAN	Penny Best		750			
ANIMAL CONTROL	Charlotte Grover		4,200			
Deputy Animal Control	Frank Stow		450			
REGISTRAR	Nancy M. Thomas		375			
Deputy Registrar	Penny Best					
Deputy Supervisor	Ralph Whitney					
Personnel Officer	Robin Miller					
Deputy Hwy Supt.	Todd Eddy	21.44	32.16			
M.E.O	Bryan L. Stevens	20.94	31.41			
M.E.O.	Bruce R. Stevens	20.94	31.41			

M.E.O.	William P. Stratton	20.94	31.41			
M.E.O.	Rodney D. Asel	20.94	31.41			
M.E.O.	Patrick O'Brien	20.94	31.41			
M.E.O.	New Hire	15.00	22.50			
M.E.O.	Part Time	15.00	22.50			
CODE ENFORCEMENT OFFICER	Brad Lawson		14200.00			
Deputy Code Enfrcmt Offcr	Donald Kaynor					
Official Bank	M & T					
Official Newspaper	Jamestown Post Journal					
Mileage Rate			0.51			
TOWN JUSTICE #1 H.P.	PETTY CASH FUND					
TOWN JUSTICE #2 E.B.	PETTY CASH FUND					
TOWN CLERK	PETTY CASH FUND		200.00			
HIGHWAY SUPERINTENDENT	PETTY CASH FUND		200.00			
YOUTH RECREATION - DIRECTOR						
Asst. Director						
CLEANING PERSONNEL	DIANA BEAN		10.00hr			
OFFICIAL MEETING TIME	2nd Monday of Every Month at 8:00PM					
<u>COMMITTEES FOR 2011</u>						
HIGHWAY	Frank Stow , Ralph Whitney					
POLICE COMMISSION PERSONNEL	Ralph Whitney, Frank Stow, Everett Bensink, Howard Peacock					
PARKS/CEMETERIES BUILDING	Sally Carlson, Richard Sena					
YOUTH RECREATION	Entire Board, Brad Lawson					
VETERANS	Richard Sena					
	Ralph Whitney, Art Thomas					
<u>ZONING BOARD</u>	Joe Komar, Jim Levesque, Roger Vaillancourt,					
	Dick Barton, Greg Michalak, Paul Silzle					
	<i>Alternate: Louise Ortman, Dan Thomas, Helen Emick</i>					
<u>PLANNING BOARD</u>	Pat Rice, Richard Johnson, Duncan McNeil, Walter Geist,					
	Louis Reig, Steve Senske, Chip Warner					
1/4/2011 - 1/11/2011						