

**TOWN OF NORTH HARMONY  
TOWN BOARD MEETING  
MONDAY, 8/8/11 8:00 PM**

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<b>SALLY P. CARLSON, SUPERVISOR</b>	<b>PRESENT</b>
<b>RALPH WHITNEY, COUNCILMAN</b>	<b>PRESENT</b>
<b>FRANK STOW, COUNCILMAN</b>	<b>PRESENT</b>
<b>DICK SENA, COUNCILMAN</b>	<b>PRESENT</b>
<b>DUNCAN MCNEILL, COUNCILMAN</b>	<b>PRESENT</b>

**OTHERS PRESENT:** Jay Gould, Legislator Louis Rieg, Planning Board; David Stapleton, Attorney; Gary Ryan, Highway Superintendent; Robin Miller, Bookkeeper; Dave Lloyd, Stormwater Planner; Howard Peacock, Justice; Betty Ryan; Brad Lawson, Zoning CEO; Penny Best, Nancy Thomas, Town Clerk

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

MOTION #104 OF 2011

ON A MOTION MADE BY MR. MCNEILL AND SECONDED BY MR. SENA, THE MINUTES OF THE 7/11/11, BOARD MEETING WERE ACCEPTED AS PRESENTED BY THE TOWN CLERK. THE MOTION WAS CARRIED UNANIMOUSLY.

- **ANNOUNCEMENTS:**

- **Chautauqua Co. Bicentennial History Fair – Sat. & Sun. 8/13-14/11 at Chautauqua Suites**

**Mrs. Carlson** said the Town would have a table at the fair featuring Bemus Pt./Stow Ferry memorabilia and encouraged all to attend. She also requested volunteers to help run the program 10:00 AM – 8:00 PM on Saturday and 10:00 AM – 4:00 on Sunday.

- **PUBLIC COMMENT**

- **CORRESPONDENCE:**

1. **NATIONAL GRID – SERVICE TERM and ENERGY UPGRADES**

**Mrs. Carlson** said that service next door has indeed been terminated.

**Mrs. Thomas** said she had received information from National Grid that they will perform energy evaluation. She said the letter indicated they will pay up to 70% of the installation and material costs of lighting upgrades.

**Mr. Lawson** said the fluorescent lights in the building are T-12's and T-8's or T-5's would be more energy efficient.

MOTION #105 OF 2011

ON A MOTION MADE BY MR. SENA AND SECONDED BY MR. MCNEILL, THE TOWN CLERK WAS AUTHORIZED TO REQUEST AN ENERGY EVALUATION FROM NATIONAL GRID. THE MOTION WAS CARRIED UNANIMOUSLY.

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### **2. MONTE KENNEDY – PRAISE FOR PENHOLLOW**

**Mrs. Carlson** said Mr. Kennedy had written a letter stating what a good job Mr. Penhollow and his men do at the town transfer station. He said he hopes they continue to be our collection company in the future.

### **3. COUNTY PLANNING – MARK GEISE – NYS Municipal Law 239**

**Mrs. Carlson** said the letter concerns the referral of proposed municipal actions to County Planning and lists actions that are exempt from these referrals, including: building setbacks; minimum lot size; fences; decks; minimum building size; size and heights of garages; number of storage sheds; subdivision of lots; and special use permit renewals. He said all municipalities who wish to take advantage of the exemptions must enter into a legal agreement with the county that formalizes the exception agreement. The letter also stated that entering into the agreement does not mean that referrals to the county cannot be made on these types of applications, but rather they are not legally required to.

**Mr. Lawson** asked if the town would want to do that.

**Mr. Stapleton** asked if this was strictly for properties within 500' of a county road.

**Mr. Lawson** said he assumed so. He questioned if the town decides to enter into the agreement and does not do a referral required under the old action, the town could get into trouble.

**Mr. Stapleton** said the trouble is if someone uses it as a technicality to sue under an Article 78 and have the action of the particular board overturned. Mr. Stapleton agreed to review the county agreement.

### **4. STW – SMART MANAGEMENT – CONFERENCE OCT. 6 & 7, 2010**

### **5. SENATOR CHUCK SCHUMER - America's Historical and Cultural - America's Media Makers**

### **6. JANE CONROE – SHORELINE PLANTS**

### **7. MICHELLE HENRY – INVITATION BICENTENNIAL HISTORY FAIR**

### **8. NEWSLETTERS: J.B .C.; STW; NYS Planning Federation; Waste & Recycling**

### **9. YVETTE JORDON – TIMBER CREEK ROAD**

**Mrs. Carlson** said Ms. Jordon's letter stated that she has a corner home on Timber Creek and Goose Creek Roads and the last thing she wants is a street light. She said a streetlight defeats the purpose of coming to the lake and it would reduce their enjoyment at their home. She stated that if the light is to be put at the other end of the street near the fire hydrant, she has no objections. Mrs. Carlson said she felt it was safe to tell Ms. Jordon that the light was not intended for their end of the road.

**Mr. Ryan** asked if those roads had actually been designated as town roads and if they are, he would like to see the paperwork. He said he does not know if they are town roads. He said the town does not plow them and there is no turnaround.

**Mrs. Carlson** said she has no information that they are. She said they are not 50' wide. She said perhaps Ms. Jordon should be contacted and informed that if the residents would like to buy the sign for the road the town would install it as it is not a town road.

### **10. MORRIS ASSOCIATES IN SALAMANCA**

**Mrs. Carlson** said the letter indicates that the NYS Office of Emergency Management has issued a notice of money available for FY 2012 Hazard Mitigation Assistance Program. She said if this is something we are interested in we must send a letter of intent by 8/19/2011.

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Mr. Lloyd said he would review the correspondence.

### 11. GOVERNOR CUOMO – LETTER OF THANKS

### 12. PAUL DENSMORE – Letter requesting Monument

Mrs. Thomas said the town had received a letter from Mr. Densmore (copied to Town of North Harmony; Harmony Historical Society; County Historian) asking for help in raising \$10,000.00 to place a granite monument at the site where the World War II flight crew crashed near Blockville in the 1940's. She said he had sent quite a bit of information on the crash with the letter. She said since the town is already working on raising funds for a Veteran's Memorial, it would be a good idea to include their names on that memorial. She said perhaps we should wait to hear the opinions of the other entities contacted.

Mr. Stow suggested that perhaps a roadside Historical Marker should be considered.

Mrs. Thomas said that was a good idea and she would look further into it.

Mr. Gould said there are still artifacts in the area from that crash.

- **OLD BUSINESS:**

- **PLANNING BOARD APPOINTMENT**

MOTION #106 OF 2011

ON A MOTION MADE BY MR. SENA AND SECONDED BY MR. MCNEILL, J. PHIL STRAND WAS APPOINTED TO THE PLANNING BOARD TO FULFILL THE REMAINING TERM OF DUNCAN MCNEILL EXPIRING ON 12/31/2012. THE MOTION WAS CARRIED UNANIMOUSLY.

- **HIGHWAY BUILDING PROJECT: WELL; LIGHTING; BIDS**

Mr. Stow said the new well at the Highway Building has been installed. He said it has a 6' casing and is 185' deep and tested out at 25 gallons per minute.

Mrs. Carlson said Mr. Tolman indicated that 8 sets of the bid specifications for the building had been sent out. Bids are due by 10:00 AM on August 12, 2011.

Mrs. Thomas asked if a special board meeting needed to be scheduled to review the bids.

MOTION #107 OF 2011

MR. SENA MOTIONED TO HOLD A SPECIAL TOWN BOARD MEETING ON TUESDAY, 8/23/11 AT 7:00 PM TO REVIEW THE BIDS AND CONDUCT ANY OTHER NECESSARY BUSINESS. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **SUNRISE COVE – Conduit installed**

Mr. Rieg said the conduits are in and the lights are working properly.

Mrs. Carlson said Jake Alianello was supposed to send the final figures for payment to St. George for the BOCES Sewer Project. She said as soon as those are received the payment can be sent as a motion to make final payment has already been approved.

- **TRANSFER STATION AND MOWING BIDS – Authorize action taken previously to advertise for bids for 2012-2013**

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- MOTION #108 OF 2011

MR. WHITNEY MOTIONED TO AUTHORIZE ACTION TAKEN PREVIOUSLY TO ADVERTISE FOR BIDS FOR MOWING AND OPERATION OF THE TRANSFER STATION FOR 2012 – 2013. MR. SENA SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **NEW BUSINESS:**

- **TRANSFER STATION BIDS 2012-2013**

Mrs. Carlson said two bids have been received for the operation of the Transfer Station:

- Penhollow Disposal                      2012 - \$3,350/mo      2013 - \$3,475/mo      2014 - \$3,625/mo
- Casella Waste Mgmt.                      2012 - \$4,600/mo      2013 - \$4,830/mo

Mr. Stapleton said the bid for 2014 of Mr. Penhollow could not be accepted as it was not advertised as a three year bid.

MOTION #109 OF 2011

MR. MCNEILL MOTIONED TO ACCEPT THE BID OF PENHOLLOW DISPOSAL TO OPERATE THE TOWN TRANSFER STATION IN THE AMOUNT OF \$3,350.00 PER MONTH FOR 2012 AND \$3,475.00 PER MONTH FOR 2013. MR. SENA SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **MOWING BIDS 2012**

The following bids for mowing of the properties of the town were received:

	<u>Total Bid for Properties Identified</u>	<u>Hrly. Rate General Clean-up</u>
Lawns-n-More	\$255.00	\$10.00
R & R Landscaping	\$305.00	\$40.00
Bradley J. Swanson	\$310.00	\$ 9.50
Northridge Services, LLC	\$415.00	\$35.00

MOTION #110 OF 2011

MR. SENA MOTIONED TO ACCEPT THE BID OF NATHAN SHORT, LAWNS-N-MORE, FOR THE MOWING OF TOWN PROPERTIES FOR 2012. MR. STOW SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **REPRINT OF A FERRY TALE - Falconer Printing    250 @ \$3,630 (\$14.52 each)**  
**Original cost 500 @ \$6,604 (\$13 each)                      500 @ \$5,935 (\$11.87 each)**

*There was general discussion of re-ordering the book. Mrs. Thomas said the town has already made back its initial printing investment of \$6,604 on the first 500 books and only has 46 copies of the first printing left.*

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### MOTION #111 OF 2011

MR. WHITNEY MOTIONED TO ORDER AN ADDITIONAL 500 COPIES OF A *FERRY TALE* FROM FALCONER PRINTING AT A COST OF \$5,935 (\$11.87 EACH). MR. SENA SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **FIREHALL IN ASHVILLE**

**Mrs. Carlson** said the Ashville Fire Commissioners had put a bid in on the Chautauqua County DPF building located on South Maple Ave. which is for sale. She said they are looking at it as a second fire hall location. She said there are a number of residents who would like to see some fire protection in that area.

- **COUNTY PLANNING – MARK GEISE – NYS Municipal Law 239**

**Mr. Stapleton** said he has reviewed the agreement and feels that entering into the agreement may be very helpful to the town. He said the town has been pretty good about filing Municipal Zoning Referrals with the County and this agreement just gives another option.

### MOTION #112 OF 2011

MR. WHITNEY MADE A MOTION AUTHORIZING THE SUPERVISOR TO SIGN GENERAL MUNICIPAL LAW 239 m. AN EXEMPTION AGREEMENT WITH CHAUTAUQUA COUNTY FOR CERTAIN ACTIONS ON MUNICIPAL ZONING REFERRALS. MR. SENA SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **REPORT:**

### **JAY GOULD, COUNTY LEGISLATOR**

**Mr. Gould** said the following occurred at the July, 2011 Legislative meeting:

- A number of appointments were made to various boards
- County to lease airport restaurant for \$600/mo.
- Inter-fund transfer of \$37,645 to Contingency fund for money made on an insurance claim on the snow blower at the airport
- Enhanced Drinking Water Grant for public drinking water of \$154,364 (no matching funds)

**Mr. Gould** said Mr. Cheney had notified him that Chautauqua Co. had put up a sign indicating “no trucks” on the ferry. He said he and Mr. Cheney discussed the ditch on Watson and the fact that the ferry cables need tightening. He said he had spoken to Mr. Spanos and the “no truck” sign will be replaced with a weight limit sign. Mr. Spanos said he would send someone to tighten up the cable.

**Mr. Gould** said there was a resolution in the Legislature to sell the building on S. Maple to the Ashville Fire Commissioners for \$85,000.00. He said at the meeting a 3<sup>rd</sup> Battalion Chief and a Fire Chief had spoken out and stated there were 200 people in the town against the purchase of the building and only 10 in favor.

**Mrs. Carlson** said these persons had implied they were representing the town.

**Mr. Gould** said he was upset that they had not spoken to him prior to the meeting about their concerns. He said the decision has been tabled until the next legislative meeting.

**Mrs. Miller** asked about perhaps selling the building at a lower cost since it will be going to the fire district and it was paid for with taxpayer money.

**Mr. Gould** emphasized that all the taxpayers of Chautauqua County had paid for the building and that a reduction in price was not likely as it had been included as revenue in the 2012 budget.

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*There was further general discussion of the building and Mr. Lawson said zoning would require a special use permit for the location of that building because it is in an R-1 District. He said he had been asked to take a look at the building.*

**Mrs. Best** said based on the survey by the Fire Department, how many people wanted a fire presence in Ashville and how many did not.

**Mrs. Carlson** said the questions on the survey were worded in a manner that was difficult to clearly tabulate. She read the following survey questions and the response numbers:

1. Tear down both buildings at the 4 corners of Ashville and leave it as green space. (152)
2. Tear down Station #1 and refurbish pole barn to house one truck and a radio room. (136)
3. Replace both buildings with a new small building to house on truck and a radio room. (116)

**Mrs. Carlson** said if you combine questions 1. and 2., you get 252 people who want some type of fire presence in Ashville. She said she does not know where the figure of 250 people against anything in Ashville comes from.

### **RANDY HOLCOMB, ASSESSOR**

**Mrs. Carlson** said Mr. Holcomb's report stated that the town has received no small claims of assessment review and the towns' final equalization rate is at 96.5%. Mr. Holcomb is currently working on filing the school tax rolls.

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

**Mr. Ryan** said the Highway Department has been working on the following: nova chipping; ditching; headwalls on Havercamp Road. He said they had wanted to start the pipe work on Longview, but there is too much construction work going on.

### **HOWARD PEACOCK, JUSTICE**

**Mr. Peacock** read the Justice Report:

**July, 2011 Fines, Fees, Surcharges: \$33,703.00**      **New Cases Started: 365**      **Cases Closed: 282**

**June, 2011 Fines, Fees, Surcharges: \$25,707.50**      **Town retained: \$10,560.00**

**July, 2010 Fines, Fees, Surcharges: \$30,196.44**      **New Cases Started: 325**      **Cases Closed: 232**

There was a marked increase in the number of DWI charges since the beginning of summer.

### **BRAD LAWSON, ZONING C.E.O. (copy of report in minute book)**

**Mr. Lawson** reviewed his written report for the board.

**Mr. Stow** asked about the pond constructed at Deerwood.

**Mr. Lawson** said the owner plans to build a building there and they have discussed what he intends to house in the building. He said the pond was built without a permit and the DEC had visited the owner about the moving of dirt without the use of silt fences.

*There was general discussion of the size of the pond, requirement for hydrology report and involvement of Soil and Water in these types of cases.*

### **DAVE LLOYD, STORMWATER PLANNING**

#### **Ashville Rain Garden**

**Mr. Lloyd** said he has had a number of meetings with Betsy Bergeson, Head of Master Gardner's Program. He said she is great to work with as they have changed designs more than once. He said the garden area has been marked and cleared by Dig Safely. He said they have decided to make half of the garden a formal rain garden and the other half wild flowers. He said of the 4 crabapple trees planted, one is dead and all have been girdled by some animal. He said he has tried everything he knows of to save the 3

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remaining and hopefully they will live. He said when they start the garden planting they will clear around them and mulch. He said the County has approved \$8,000.00 up front funding for the project.

**Mr. Stow** asked if perhaps the Amish had been tying their horses to the trees when they fish.

**Mrs. Best** said it would be a good idea to put up a hitching post there for the horses.

**Mrs. Carlson** suggested putting tubing around them this fall.

### **Cheney Creek Project**

**Mr. Lloyd** said he had met with Dave Wilson about a letter or permit for cleanout of the project area. He said Mr. Wilson said that he would contact the DEC to see about the permit as the creek has a dry bed to work with at this time. He said he met with Mr. Wilson recently and was told that the DEC will be giving the town a letter stating that the creek has to be dug out in order to maintain the integrity of the project.

### **Bly Hill Project**

**Mr. Lloyd** said he has "before" photos of the ditch line and the contract is in hand. He said we also have the design prints from Tolman and Mr. Ryan has said he will order the cement blocks for the step down system. He said the County has approved \$8,000.00 up front funding for the project.

### **Stow Ferry Project**

**Mr. Lloyd** said new drains and a deep well sump DI are all in place. He said the inline filter is at the Highway Department and will be installed by our crew. He said that project will be complete as soon as the filter is in.

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

**Mrs. Thomas** said she had received a letter from the Town of Ellery regarding a Public Hearing on a proposed 6 month Zoning Moratorium in the AG District that would prohibit the creation of any new business or commercial development in that district. Mrs. Thomas thanked all the committee members and volunteers who helped with Ashville Day this year. She said everyone seemed to have a wonderful time and there was an article in the PJ stating that the fireworks by the Llama Club were the best ever.

### **MOTION #113 OF 2011**

**ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. MCNEILL, 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)**

**Mrs. Carlson** said Michele Henry had given the town a copy of the book and photos that Niles Denning had done of the Ferry Bicentennial and Dance. She said the event had raised about \$7,500 for the Ferry and the book is available for anyone to review.

### **MOTION #114 OF 2011**

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

### **PARK COMMITTEE:**

**Mr. Stow** said he had received a compliment on what a nice job Mr. Sena had done on the tribute blocks located on the wall at the Lighthouse Park pavilion.

**Mrs. Carlson** asked if perhaps the highway could move the tables that had been borrowed from Butts Park for the Bicentennial back to that park when they have time.

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MOTION #115 OF 2011

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

MOTION #116 OF 2011

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

MOTION #117 OF 2011

ON A MOTION MADE BY MR. SENA AND SECONDED BY MR. MCNEILL THE MEETING WAS ADJOURNED AT 9:38 PM.

*Nancy M. Thomas*  
*Town Clerk*