

**TOWN OF NORTH HARMONY
SEQR / PUBLIC HEARING – LOCAL LAW NO. 2-2011
SIX MONTH MORATORIUM IN STOW COMMERCIAL DISTRICT
MONDAY, 12/12/11, 7:15 PM**

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|-------------------------------------|----------------|
| SALLY P. CARLSON, SUPERVISOR | PRESENT |
| RALPH WHITNEY, COUNCILMAN | PRESENT |
| FRANK STOW, COUNCILMAN | PRESENT |
| DICK SENA, COUNCILMAN | PRESENT |
| DUNCAN MCNEILL, COUNCILMAN | PRESENT |

OTHERS PRESENT: Dave Stapleton, Attorney; Brad Lawson, Zoning CEO; Jay Gould, Legislator; Don McCord, Small City Planning; Robin Miller, Bookkeeper; Nancy Thomas, Town Clerk

Mrs. Carlson brought the hearing to order at 7:20 PM. Mrs. Carlson asked that a copy of the entire law be included in the minutes in lieu of reading it aloud.

Mrs. Carlson said that County Planning had responded to the Municipal Referral submitted by the town and stated that it was a matter of local concern.

SHORT FORM SEOR REVIEW

Mr. Stapleton reviewed the entire short form SEQRA for those present and the board members responses as required in Part II were recorded.

Discussion:

Mr. Sena asked if it would be possible to cut the moratorium period to 3 months so as not to interfere with the spring building season if any viable projects were to be presented in the affected area. He said that would give the Planning Board time to work on completing the Comprehensive Plan and address any concerns. He said he had discussed with Mr. Lawson the boat storage building project that might come up during that time.

Mr. Lawson said currently he has received nothing in writing from the owners of the property where the construction has been discussed, so there is nothing definite yet. He said there have been rumors that the Tri-James property across the street has been sold, but again, nothing definite.

Mrs. Carlson asked if the moratorium can be modified to 3 months or would another public hearing need to be held.

Mr. Stapleton said it could be modified, but it appears the Planning Board feels the 6 months is the amount of time they need to review the various activities.

Mr. McCord said if you use the 6 month moratorium and the Planning Board gets the work done sooner, the moratorium can be lifted. He agreed that the Planning Board would not want to hold up the implementation of any good projects. He said the PB has made a great deal of progress on the north side of the I-86 Intersection, but the 3 month moratorium would only allow about 2 months worth of work on the south side of the intersection. He said if the board did not like the 6 month time period, the PB could possibly get along with 4 months. Mr. McCord stated that area requirements, building sites and setbacks will be affected by the Zoning Law Amendments that the Planning Board is currently working on that the Town Board will need to review requiring an additional SEQRA hearing and Local Law.

There was further general discussion of the time line for the moratorium.

PUBLIC HEARING

12/12/11 (Pg. 2)

- **MOTION #167 OF 2011**

MR. WHITNEY MOTIONED FOR A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT ON LOCAL LAW NO. 2-2011, A SIX MONTH MORATORIUM ON NEW USAGE COMMERCIAL CONSTRUCTION IN THE STOW COMMERCIAL DISTRICT. MR. SENA SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

The hearing was adjourned at 7:35 PM.

Nancy M. Thomas
Town Clerk

**TOWN OF NORTH HARMONY
SEQR / PUBLIC HEARING – LOCAL LAW NO. 3-2011
NORTH HARMONY PROPERTY MAINTENANCE LAW
MONDAY, 12/12/11, 7:30 PM**

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|-------------------------------------|----------------|
| SALLY P. CARLSON, SUPERVISOR | PRESENT |
| RALPH WHITNEY, COUNCILMAN | PRESENT |
| FRANK STOW, COUNCILMAN | PRESENT |
| DICK SENA, COUNCILMAN | PRESENT |
| DUNCAN MCNEILL, COUNCILMAN | PRESENT |

OTHERS PRESENT: Dave Stapleton, Attorney; Brad Lawson, Zoning CEO; Jay Gould, Legislator; Don McCord, Small City Planning; Robin Miller, Bookkeeper; Nancy Thomas, Town Clerk

Mrs. Carlson brought the hearing to order at 7:35 PM. She stated this is the New York State Building Code Town of North Harmony Property Maintenance Law. She commented that this law was sent to County Planning as a Municipal Referral and they have responded by indicating that due to the complexity of the request and the fact that it affects the entire town, they will need more time to respond.

SHORT FORM SEQR REVIEW

Mr. Stapleton stated that the draft of the Local Law has been filed with County Planning. He said this local law is to essentially comply with the portions of the NYS statutes that deal with building maintenance and to provide a little more visibility of the enforcement mechanism of the local law so that it is easy for applicants that may be impacted by it to have access to this information. He reviewed the entire short form SEQRA for those present and the board members responses as required in Part II were recorded.

• **MOTION # 168 OF 2011**

MR. WHITNEY MOTIONED FOR A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT ON THE PROPOSED ZONING AMENDMENT LOCAL LAW NO. 3-2011, TOWN OF NORTH HARMONY PROPERTY MAINTENANCE LAW. MR. MCNEILL SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. Stapleton said if County Planning comes back with some concern, the matter can be re-visited.

The hearing was adjourned at 7:45 PM.

**TOWN OF NORTH HARMONY
TOWN BOARD MEETING
MONDAY, 12/12/11 8:00 PM**

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|-------------------------------------|----------------|
| SALLY P. CARLSON, SUPERVISOR | PRESENT |
| RALPH WHITNEY, COUNCILMAN | PRESENT |
| FRANK STOW, COUNCILMAN | PRESENT |
| DICK SENA, COUNCILMAN | PRESENT |
| DUNCAN MCNEILL, COUNCILMAN | PRESENT |

OTHERS PRESENT: Dave Stapleton, Attorney; Brad Lawson, Zoning CEO; Jay Gould, Legislator; Don McCord, Small City Planning; Louis Rieg, Planning; Geoff Turner; David Lloyd, Storm Water Planner; Howard Peacock / Everett Bensink, Justice; Robin Miller, Bookkeeper; Clayton Emick; Melissa Johnson, AFD; Nancy Thomas, Town Clerk

- **PLEDGE**
- **MINUTES - 11/9/11 & 11/14/11**

- **MOTION # 169 OF 2011**

ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. MCNEILL, THE MINUTES OF THE 11/9/11 2012 BUDGET HEARING AND THE 11/14/11 TOWN BOARD MEETING WERE ACCEPTED. THE MOTION WAS CARRIED UNANIMOUSLY.

- **ANNOUNCEMENTS:**

- **VOTE - AFD FIRE COMMISSIONERS – Tuesday 12/13/11 6-9:00 PM at Ashville Fire Hall on Stow Road**

Mrs. Carlson said there are two positions open; one for a 5 year term that is unopposed and a 1 year term with 2 candidates. All were encouraged to vote.

- **BENEFIT MONDAY 12/19/11 FOR INJURED PANAMA FIREMAN AT WRODA'S AUCTION CENTER (Old AFD Training Center) – Time 4:30 or 5:00 PM.**

Mrs. Carlson said it will be a pork dinner with the pork being donated by Farm Fresh Foods.

Mr. Stow said there will also be a Chinese Auction with all the proceeds going to the fireman's family.

- **PUBLIC COMMENT:**

- **MELISSA JOHNSON – PRESIDENT ASHVILLE FIRE DEPARTMENT**

Ms. Johnson said that she is representing the department as they try to plan the AFD Centennial which will take place in 2014. She said although it is in the future, they are trying to decide if they will have a type of open house at the Stow Station or if it will be like the Frewsburg Gala Days and located in Ashville. She asked if they decide to have the celebration at the Stow facility would the town have any objection to the use of its adjoining property. She said this might include a bounce house, etc.

Mrs. Carlson said she has no personal objection to the idea.

Mr. Whitney said the town should be named as co-insured by the Fire Department.

Mr. Stow said the town might want to inspect the ground area there for roughness.

All present agreed to the idea and Mrs. Carlson said as the event gets closer perhaps the town can do something to help with the celebration.

TOWN BOARD

12/12/11 (Pg. 2)

- **CORRESPONDENCE:**

1. **5 STAR BANK – LAKEWOOD BRANCH**
2. **NYS DEC NEWSLETTER “TAKING ROOT” www.nysurbanforestrycouncil.com**
3. **CHAUTAUQUA CO. FINANCE – Receipt of \$10,000 – Includes Cheney Pt. Debris Trap \$2,000; Ashville Water Garden \$8,000**
4. **TIME WARNER – PROGRAMMERS EXPIRATION**
5. **ZBA MINUTES 11/16/11 / PLANNING BOARD MINUTES 11/8/11**
6. **ASSESSOR – OCTOBER REAL ESTATE SALES**
7. **NEWSLETTERS** - Public Works
- Waste Recycling News
8. **NYS ATTORNEY GENERAL – Request for copy of Town’s Ethics Code**
9. **MORTGAGE TAX PAYMENT OF \$12,907.07 RECEIVED (Down about \$20,000 from 2010)**

- **OLD BUSINESS:**

- **FENCING – WILD ROSE CEMETERY**

- **MOTION # 170 OF 2011**

ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. MCNEILL, THE PROPOSAL FOR FENCING AT WILD ROSE CEMETERY WAS TABLED UNTIL SPRING

AND A MORE FIRM PRICE QUOTE CAN BE OBTAINED. THE MOTION WAS CARRIED UNANIMOUSLY

- **BUTTS PARK INCIDENT**

Mrs. Carlson said the repairs to the park as discussed at last month's meeting have been made and reviewed by Bill Stratton. She said she contacted the individual and advised him of the towns satisfaction.

- **OLD FURNACE – SCRAP**

Mrs. Carlson said there was an old furnace stored above the rafters at the highway building. She asked if the board wanted to make it a part of the Scrap Metal Policy. She said someone had approached her about buying it for parts and she expressed concern about any liability. She said perhaps it would be best just to scrap it.

Mr. Stow said it should be included in the Scrap Metal Policy.

- **RAYNOR PROPERTY – Asbestos report for house / Cleanout of Garage**

Mrs. Carlson said the report has been received from Kingsview and no asbestos was found. She said Mr. Stow had indicated that he would be willing to clean out the garage and review the contents.

TOWN BOARD

12/12/11 (Pg. 3)

Mr. Stow said it appears that most of what is in the garage is old car parts, scrap, etc.

Mrs. Carlson asked if there was any objection to that from the board and stated that a dumpster would be needed.

- **HIGHWAY BUILDING – Asbestos report**

Mrs. Carlson said the information from Kingsview indicates that there is asbestos located on the exterior of the highway building.

Mr. Stow said he had not heard of any being found on the interior of the building but some had been found on the roof. He said there had been no confirmation about the type of asbestos found.

It was discussed that it probably was not in the roofing rubber as that was installed in 1987 but could be in the mastic used on the roof.

- **CONFIRMATION OF CHIPS FILING FROM NYS-DOT RECEIVED**

Mrs. Carlson said there had been concern about the timely filing of the CHIPS. She said confirmation had been received that it was filed.

- **HIGHWAY BLDG. – National Grid – Electrical Service Proposal \$4,155 plus \$311.66 tax**

Mrs. Carlson said the town has applied for an electrical service upgrade at the Highway Building. She said there had been a problem establishing whether it was a new service or an upgrade and after lengthy discussion a National Grid representative had agreed that it is an upgrade and not a new service. Mrs. Carlson said she was told it would probably be the end of January before the upgrade is installed. She said the charges as listed above have been withdrawn.

Mr. Stow said the contractor's construction schedule on the building has been distributed to the board. He said there are 8 panels of the siding up. He said Mr. Lawson has inspected and has an issue with the tension on some of the fasteners used and will be contacting the contractor to discuss it. He said he has

received a quote from Jones Well Drilling in the amount of \$2,314.57 for the installation of a submersible water pump and tank to supply water to the new highway building.

- **MOTION # 171 OF 2011**

MR. WHITNEY MOTIONED TO AUTHORIZE THE EXPENDITURE OF \$2,314.57 TO JONES WELL DRILLING FOR THE INSTALLATION OF A SUBMERSIBLE WATER PUMP AND TANK TO SUPPLY WATER TO THE NEW HIGHWAY BUILDING. MR. STOW SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **NEW HIGHWAY BUILDING REQUEST FOR PAYMENT FROM BUILDING INNOVATIONS GROUP**

Mrs. Carlson said we have also received our first RFP in the amount of \$193,683.60 from the contractor for work done in November. She asked for authorization from the board to remit \$60,000.00 on 12/13/11, and pay the balance of \$133,683.60 after the first of the year as soon as unexpended balance figures in the new budget year are available.

TOWN BOARD

12/12/11 (Pg. 4)

- **MOTION # 172 OF 2011**

MR. SENA MOTIONED TO AUTHORIZE PAYMENT OF \$60,000 ON 12/13/11, TO BUILDING INNOVATIONS GROUP ON APPLICATION FOR PAYMENT #1, INVOICE # 2387 IN THE AMOUNT OF \$193,683.60 AND TO PAY THE BALANCE OF \$133,683.60 IN JANUARY, 2012, AS SOON AS UNEXPENDED BALANCE FIGURES ARE AVAILABLE. MR. MCNEILL SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **NEW HIGHWAY BUILDING CONSTRUCTION CHANGE ORDERS #1, #2 AND #3**

WORK CHANGE ORDER #1 – REVISED HIGHWAY BUILDING LOCATION

Mrs. Carlson said the first Change Order in the amount of \$689.00 is for the additional survey needed when it was required that the building location be altered from the original plan.

- **MOTION # 173 OF 2011**

MR. MCNEILL MOTIONED TO AUTHORIZE NEW HIGHWAY BUILDING CONSTRUCTION CHANGE ORDER #1, REVISED HIGHWAY BUILDING LOCATION, WHICH RESULTED IN AN ADDITIONAL SURVEY IN THE AMOUNT OF \$689.00. MR. STOW SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

WORK CHANGE ORDER #2 – ADDITIONAL ELECTRICAL WORK

Mrs. Carlson said the second Change Order in the amount of \$5,118.00 is a result of National Grid requirement that the new and existing highway buildings be served by a single electric service. The single

service requirement necessitated that the new building electric service be upgraded to include a 200 amp breaker to back feed the existing building until such time as the existing building is demolished. The new building service upgrade includes setting a temporary pole to back feed the existing building, as well as an empty 2" conduit to allow switching telephone and data services to the new building without requiring additional trenching. Mrs. Carlson said Ahlstrom Schaeffer Electric is the sub-contractor for this work order and the town does not have to pay National Grid for the pole they are setting near the road. She said the town does have to pay for the pole that will be next to the new building.

Mr. Sena said that seems like a lot of money just to back feed something. He said he feels that the cost is absurd and an itemized bill should be provided.

Mrs. Carlson said she will be meeting with Ahlstrom Schaeffer at 9:00 AM this Thursday morning and can request the itemized bill. She said the work cannot be done without the work change order authorization.

Mr. Sena advised that he is just giving his professional opinion and can't see any reason for that excessive a cost.

Mrs. Carlson said she does not know what is reasonable for a back feed. She told Mr. Sena if he has an alternative that will not hold up the building project time line she would be glad to hear it.

There was further general discussion.

- **MOTION # 174 OF 2011**

MR. WHITNEY MOTIONED TO AUTHORIZE NEW HIGHWAY BUILDING CONSTRUCTION CHANGE ORDER #2, ADDITIONAL ELECTRICAL WORK, IN THE AMOUNT OF \$5,118.00, TO INCLUDE A 200 AMP BREAKER TO BACK FEED THE EXISTING BUILDING UNTIL SUCH TIME AS THE EXISTING BUILDING IS DEMOLISHED AND AS FURTHER OUTLINED IN THE ORDER. MR. MCNEILL SECONDED. MR.

TOWN BOARD

12/12/11 (Pg. 5)

WHITNEY, MR. STOW, MR. MCNEILL, MRS. CARLSON; YES; MR. SENA, NO. THE MOTION WAS CARRIED.

WORK CHANGE ORDER #3 – HEATING EQUIPMENT SUBSTITUTION

Mrs. Carlson said the third Change Order is for the furnace above the storage area in the new building. This change order resulted from the Town's request to delete the unit heater over the mezzanine area and substitute a natural gas forced air furnace in the mechanical room of the new highway building. The substitution includes installation of the substitute furnace, but does not include any duct work. This substitution results in a credit of \$232.00 to the town, if the town wishes to include an A/C coil in the unit at a cost of \$350.40.

- **MOTION # 175 OF 2011**

MR. STOW MOTIONED TO AUTHORIZE NEW HIGHWAY BUILDING CHANGE ORDER #2, HEATING EQUIPMENT SUBSTITUTION, TO DELETE THE UNIT HEATER OVER THE MEZZANINE AREA AND SUBSTITUTE A NATURAL GAS FORCED AIR FURNACE IN THE MECHANICAL ROOM OF THE NEW HIGHWAY BUILDING (TO INCLUDE AN A/C COIL IN THE UNIT) AT A COST OF <-232.00>. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **SCRAP METAL POLICY**

Mrs. Carlson said the town has never had a scrap metal policy and currently the NYS Comptroller's office is targeting that in their audits.

Mr. Stow said other NYS towns had been solicited for their policies and the Town of Dryden had sent a template of the resolution they have on record. He reviewed the policy for those present.

There was discussion of where the funds for scrap metal should go (i.e. General Fund Revenue Account, Highway Fund etc.).

Mrs. Thomas said that probably Mrs. Miller would need to review the schedule of revenue account codes to determine where the funds should appropriately go.

Mr. Stow indicated that the Dryden resolution indicates the funds go to a Highway Revenue account.

Mr. Whitney stated that weight slips and proceeds should be provided to the supervisor.

Mr. Sena suggested that an account be opened with Goodman's Scrap in Blockville.

Mr. Lloyd asked if Mr. Stapleton knows where the funds generated from highway expenditures should and where they can be spent.

Mr. Whitney said the ruling in the article from *Towns and Topics* states that revenues generated from the sale of scrap material generated from highway department operations should be returned to the Highway Fund. Revenues generated from the sale of scrap material generated from bulk cleanup or other scrap events should be returned to the General Fund (i.e. Transfer Station).

Mr. Lloyd asked what the money can be used for that the Highway would get from scrap sales.

There was general discussion that the funds would go into a revenue account that would ultimately become part of the unexpended balance or it could be determined that it be used for tools, etc.

- **MOTION # 176 of 2011**

MR. STOW MOTIONED TO ADOPT THE FOLLOWING SCRAP METAL POLICY.

TOWN BOARD

12/12/11 (Pg. 6)

RESOLVED, that the Town Highway Superintendent is authorized to sell scrap metal originating from the town highway department operations, or found on property maintained by the highway department and proceeds of such sale shall be credited to Account DA-2650, and be it

FURTHER RESOLVED, the Highway Superintendent is authorized to sell any other scrap metal originating from town operations and the proceeds of such sale of any other scrap metal shall be credited to Account A-2650, and be it

FURTHER RESOLVED, the Highway Superintendent shall provide weight slips and all proceeds from the sale of scrap originating from town operations to the Supervisor.

MR. MCNEILL SECONDED.

Discussion:

Mrs. Carlson asked that the record reflect that the Transfer Station activities are separate from the Highway Department activities with regard to scrap metal.

THE MOTION WAS CARRIED UNANIMOUSLY.

- **NEW BUSINESS:**

- **LOCAL LAW #2-2011 – 6 MONTH MORATORIUM ON NEW USAGE CONSTRUCTION IN STOW COMMERCIAL DISTRICT**

Mrs. Thomas read into the record the Municipal Zoning Referral application response received from the Chautauqua County Planning Department and dated 12/12/11, *(copy included in minute book)*.

- **MOTION # 177 OF 2011**

MR. SENA MOTIONED TO ADOPT LOCAL LAW NO. 2-2011, A SIX (6) MONTH MORATORIUM ON NEW USAGE CONSTRUCTION IN THE STOW COMMERCIAL DISTRICT. MR. STOW SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **LOCAL LAW #3-2011 – AMENDMENT TO ZONING ORDINANCE – PROPERTY MAINTENANCE LAW**

Mrs. Thomas read into the record the Municipal Zoning Referral application response received from the Chautauqua County Planning Department dated 12/12/11, which stated that due to the complexity of the request they would like more time to respond *(copy included in minute book)*.

Mrs. Carlson requested that the board table the matter until at least the January meeting in order to research the background on the law.

- **MOTION # 178 OF 2011**

MR. MCNEILL MOTIONED TO TABLE LOCAL LAW NO. 3-2011, PROPERTY MAINTENANCE LAW, AN AMENDMENT TO THE ZONING ORDINANCE FOR FURTHER INFORMATION. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

TOWN BOARD

12/12/11 (Pg. 7)

- **GEOFF TURNER (Carpenter-Pringle Road) – Franchise Utility Problem in N.H.**

Mr. Turner stated that he resides on Carpenter-Pringle Road and he uses the internet for both his commercial balloon business and his stone business in Westfield, Crownhill Stone. He asked if everyone had received the material he had submitted by e-mail. He said the internet service we receive in North Harmony is sub-standard and he is very frustrated. He said North Harmony is an area that is inhabited, at least seasonally, by people of means who want internet service in order to keep tabs on things outside the area. He said its availability is fundamental to our way of life. He said much of the Rt. 394 corridor is served by Windstream and Time Warner and service is reasonably reliable, but further off Rt. 394 the service is horrible. He said the lack of this service has the potential to keep the town from going forward and will prevent people who might be interested in living in the area from buying homes here. He said he

has been fighting for reliable internet service at the speeds advertised by these companies for years. He went on to explain about internet speeds, 3 MEG is the lowest tier of service that either Windstream or Time Warner provide and he cannot get it. He said usually he gets only about .34 MEG down which is ¼ of what they are selling and 1/6th of what they suggest they are selling. He asked if the town could help spearhead some action on this issue. He said DFT is running fiber optics into businesses in Mayville and Chautauqua currently. He said even Stockton has fiber optics. He said the area of North Harmony he lives in is in the least 1% served areas in the entire state as far as internet service. He said DFT has fiber optic internet along the North shore of the lake and would like to have it down the South shore. He said the routing of that is planned to Sherman at this time. He said their routing past that is up in the air at this point. He said wireless internet service is available through Eagle Zip in Jamestown and that same technology could be employed in the rural areas of North Harmony. He stated that Windstream is required to report what they are suggesting is available as far as coverage to the NYS Office of Cyber Security. He said Windstream shows on their maps that all of North Harmony is receiving 10-25 MEGS of service and they can't even supply reliably 1.5 MEGS. He suggested perhaps the town should make a FOIL request to the Office of Cyber Security in order to determine the documentation that goes into the structure of the map. He said the information should go to the Public Service Commission to prove that Windstream is not providing what they say they provide and are charging in full for. He said they should be sanctioned and forced to provide the level of service for which they are falsely reporting. He said another thing that could be done to put pressure on Windstream is to have a post card mailing that instructs residents on how to test their speed and service. He said it could be returned to the town with the information to build a basis for what we are and are not getting. He said this could be taken to the Public Service Commission and Windstream does have to answer to them. He said another possibility is get DFT or Eagle Zip to sponsor service. He said DFT received grant funding through Southern Tier West (STW) to provide service in two rural communities in the north towns. He said there is a federal initiative to provide broad band internet in rural communities and he believes Windstream has received money from them to do that at in North Harmony. He said the other alternative is to have Time Warner build out into the rural areas.

Mrs. Carlson said she has spoken to the Time Warner Municipal Representative and was informed that they have no money to build out.

Mr. Turner said maybe the town could subsidize the build out in order to help develop rural areas and the people who receive the services could help cover the costs.

Mrs. Carlson said when she had spoken to Windstream they had indicated that they do not have an exclusive franchise and other phone companies could come in if they wanted.

Mr. Turner said there is clearly federal money available for internet accessibility.

Mrs. Carlson said she would be glad to contact STW about available grant funds. She asked Mr. Sena if he could perhaps contact DFT to see what their plans are.

Mr. Turner offered his services to help with the action.

Mrs. Carlson asked if Mr. Turner would like to spearhead the action as he has more experience and knowledge. She said Windstream is obviously saying they are offering something that they are not. She

TOWN BOARD

12/12/11 (Pg. 8)

asked Mr. Turner if he could provide something in writing that will outline why we want to do this and how people can check their internet service as well as maybe an article to explain the problem.

Mr. Turner suggested a return post card mailing to residents allowing them to check and report back to the town their service. He seemed to feel the problem affects mostly people with 782 phone prefixes.

Ms. Johnson said she lives off Rt. 394 at Ashville Bay and Windstream tells them they get 3 MEGS but they only get 1.5 MEGS. She said this problem affects those on Rt. 394 too.

Mrs. Thomas suggested an article could be written in the proposed January newsletter and the post card could be sent with it.

Mrs. Carlson said that would be a good idea and perhaps residents could have 10 days to get the postcard back to the town. She said this would be a place to start.

There was further discussion of funding and the availability of service or lack thereof in the area.

Mr. Turner agreed to do an article and design the post card.

- **NYS AG. AND MARKETS – Dog Control Officer and Municipal Shelter Inspection Reports**

Mrs. Carlson said Ag and Markets has done an inspection of the Dog Control facility at Mrs. Grover's which was completed on 11/21/11. She said the report indicates that the services are rated satisfactory. She said their only major concern was that no igloos were provided for the dogs to get into during cold weather. She said the town has since purchased an igloo for that purpose. She said the inspection also indicated that equipment is available for capture and control; the dogs are transported and held safely; housing and container equipment are sanitized; veterinary service is provided and the dogs are euthanized humanely. She said one of the problems Mrs. Grover runs into is that the SPCA will only take so many dogs and they may not take them when she has held them as long as she is required. She said there had been one dog that had been euthanized because of this.

- **YEAR END MEETING - THURSDAY 12/29/11 AT 12:00 PM**

- **MOTION # 179 OF 2011**

ON A MOTION MADE BY MR. WHITNEY AND SECONDED BY MR. MCNEILL, THE TOWN OF NORTH HARMONY WILL HOLD A YEAR END BOARD MEETING ON THURSDAY, 12/29/11 AT 12:00 PM. THE MOTION WAS CARRIED UNANIMOUSLY.

- **SUNDAY, JANUARY 1, 2011 1:00 PM – SWEARING IN CEREMONY**

Mrs. Carlson asked if everyone would bring a dish to pass and lunch will follow the ceremony. She said this includes appointed as well as elected officials and all are welcome to attend.

- **WILD ROSE CEMETERY LAYOUT**

Mrs. Carlson said we have received the survey and layout of Wild Rose Cemetery. She asked Mrs. Thomas if she knew how many grave lots were on the survey.

Mrs. Thomas said she did not have the survey in front of her, but there are quite a few graves being added. She said she has sent a copy of the survey to our sextant for his review and recommendations.

- **MITCHELL PROPERTY AND NORTH HARMONY CEMETERY SURVEY'S**

Mr. Sena asked if progress has been made on the survey for the split of the house and acreage at Mitchells and the other properties due for survey.

TOWN BOARD

12/12/11 (Pg. 9)

Mrs. Carlson said the surveyor's have been to the Mitchell property and surveyed and have put a post by the road. She said they are waiting to see if those lines are acceptable. She said they have not done the cemetery although she has mentioned it to them.

- **REPORTS:**

JAY GOULD, LEGISLATOR

Mr. Gould stated that the next legislature meeting is scheduled for Wednesday, 12/14/11 and the following will be discussed:

- A resolution for a grant in the amount of \$30,000 to provide internet based visitation for prisoners
- A resolution to hire Marcus & Millichap Real Estate to investigate marketing the county home. He said we stand to lose over \$3,000,000.00 within a year on the home.
- A motion to change hunting laws to allow discharge of firearms within 1,000 ft. instead of the current 500 ft. from a home. He said that would eliminate a lot of hunting land in the county.
- A new phosphorus law will be voted on with relation to advertisement of phosphates in products
- A motion by Dr. Mueller for the state to swap sales tax for Medicare. This applies to just the county's share.
- A number of committee appointments will be made

There was discussion of committee appointments when there are even numbers on the legislature.

HOWARD PEACOCK / EVERETT BENSINK, JUSTICE COURT (Copy in Minute Book)

Mr. Peacock read the report into the record. He asked if there were applications available for the Deputy Court Clerk position that is vacant.

Mrs. Carlson said the town would be advertising when Mrs. Stow comes up with hours and qualifications.

Mr. Bensink said he had spoken to Mrs. Stow and she is very busy at this time with end of year matters but will proceed as soon as a written resignation is received from Mrs. Yates.

BRAD LAWSON, ZONING CEO (Copy in Minute Book)

Mr. Lawson said the year is winding down and the number of permits for 2011 is almost exactly what they were in 2010. He said he does not have a dollar amount yet but will have an annual report ready for the 12/29/11 meeting. He said two projects are finishing up and two are just beginning. He said on Wednesday night the ZBA will hear a challenge on a permit that he gave. He said this is his first as CEO.

DAVE LLOYD, STORMWATER PLANNER

Cheney Creek Project (2009 Project):

Mr. Lloyd said he had spoken to Mr. Diers and requested an extension for the turf reinforcement and plantings until 7/31/12. He said he had met with Ms. Burgeson on the project and she said she will work with him on it even if the Master Gardener is no longer funded for 2012. He said there has been disagreement with Mr. Diers on the project. Mr. Diers had asked him to cut off the project because it is a 2009 project and at first he had agreed. He said after considering the money the town has invested in the project and there is an additional \$2,000 left for plantings, he has reapplied for the extension noted above. He said Mr. Diers is aware of the problems run into with the DEC on permits for access to the project.

Mrs. Carlson said she would contact Mr. Diers about the matter and perhaps contact the DEC in Allegheny about the long term permit for access to the site for project completion and maintenance.

TOWN BOARD
12/12/11 (Pg. 10)

Ashville Water Garden Project:

Mr. Lloyd said he has requested an extension on this project until 7/31/12, for spring and summer planting. He said that \$8,000.00 has been received so far from the county for the project.

Bly Hill Step Down Project:

Mr. Lloyd said he has requested an extension on this project until 7/31/12, and has informed Mr. Diers of all progress on all projects.

Stow Ferry Storm Filter:

Mr. Lloyd said he has no answer as to why the filter which has been received has not been installed yet.

Research for 2012 Demo Projects:

Mr. Lloyd said he has done major research and is putting together a great deal of information on projects related to pervious concrete, Smart Ditch (erosion control); 3 types of slope retention; water weed mat; water aerator systems and hillside bio-retention systems. He discussed the use of the weed mat in the Stow Ferry area to control lake weeds and the aerator system to keep the water moving and alive. *There was discussion of how these systems work.*

NANCY THOMAS, TOWN CLERK (Copy in Minute Book)

Mrs. Thomas said she had received information from the NYS-DOH that effective 1/16/12; NYS Licensed Nurse Practitioners will be authorized to sign death certificates. She said Dru Cole from BOCES has indicated that they will not recycle at the transfer station in December because of high demand for the buses.

- **MOTION # 180 OF 2011**

ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. SENA, THE TOWN CLERK'S REPORT WAS ACCEPTED AS PRESENTED AND THE MOTION WAS CARRIED UNANIMOUSLY.

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

- **MOTION # 181 OF 2011**

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

- **MOTION # 182 OF 2011**

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

- **MOTION # 183 OF 2011**

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

TOWN BOARD
12/12/11 (Pg. 11)

- **MOTION # 184 OF 2011**
ON A MOTION MADE BY MR. MCNEILL AND SECONDED BY MR. SENA THE MEETING WAS ADJOURNED AT 10:05 PM.

MERRY CHRISTMAS TO ALL AND TO ALL A GOOD NIGHT!

Nancy M. Thomas
Town Clerk