

**TOWN OF NORTH HARMONY  
TOWN BOARD MEETING  
MONDAY 3/12/2012 7:00 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:** Dave Stapleton, Attorney; Howard Peacock, Justice; Brad Lawson, Zoning CEO; Dan Strickland, Highway Superintendent; Dave Gollus, NYS Deferred Compensation Plan; Clayton Emick, Chuck and Patrice Spinner, Ted and Mary Parran, Paul Spas, Dave Lloyd, Stormwater Planner; Robin Miller, Bookkeeper; Nancy Thomas, Town Clerk

- **PLEDGE**

- **MINUTES 2/13/12:**

- MOTION # 33 OF 2012

ON A MOTION MADE BY MR. WHITNEY AND SECONDED BY MR. SENA, THE MINUTES OF THE 2/13/12 TOWN BOARD MEETING WERE ACCEPTED AS PRESENTED BY THE TOWN CLERK WITH THE FOLLOWING SENTENCE FROM PAGE 8 BEING STRIKEN FROM THE RECORD: Mr. Sena said to put it into perspective, his wife cleans at Chautauqua in the summer for \$14/HR and Mrs. Best is certainly worth that. **THE MOTION WAS CARRIED UNANIMOUSLY.**

- **ANNOUNCEMENTS:**

- **PUBLIC COMMENT:**

**PAUL SPAS – FIELD AT MITCHELL PROPERTY**

**Mr. Spas** said he would like to make a proposal to the Town Board. He said he farms beef and is currently leasing the Morton farm property on both sides of the town property. He said he would like to lease the town's land between the fire hall and Morton's for 5-7 years. He said the reason for the 5-7 years is the expense of fencing it. He provided a general map of what he wants to use. He said as far as a lease amount, he paid the Morton's \$100 per year in the past.

**Mrs. Carlson** said she has had a request about using the land for the Fire Departments 100 year anniversary in 2014 and the 2016. She said she would prefer to table the request until next month for review.

- MOTION # 34 OF 2012

ON A MOTION MADE BY MR. SENA AND SECONDED BY MR. MCNEILL, DISCUSSION OF LEASING THE MITCHELL LAND TO PAUL SPAS WAS TABLED FOR FURTHER REVIEW UNTIL THE APRIL BOARD MEETING. **THE MOTION WAS CARRIED UNANIMOUSLY.**

- **CORRESPONDENCE:**

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

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1. **TIME WARNER – Western Division Franchise Fee Payment - \$12,198.02**  
**- Eastern Div. Franchise Fee Payment - \$1553.12**
2. **MONTE KENNEDY – Compliments to Penhollow Disposal & Town Highway Crew**  

**Mrs. Carlson** said Mr. Kennedy had sent a letter complimenting the transfer station employees on their manners, helpfulness and friendliness. He also complimented the Highway employees on the great job they do keeping the roads plowed under adverse conditions.  
The Spinner's and the Parran's agreed.
3. **NEWSLETTERS:** NY Planning News                      **Chautauqua Opportunities**  
Via e-mail: Public Works                                      **Gov. Cuomo – dna testing**  
NYS Comptroller
4. **MARCELLUS SHALE FRAKING EXPLORER – LOUIS RIEG**
5. **CHUCK KELSEY – OLD HIGHWAY RADIO**  

**Mrs. Carlson** said Mr. Kelsey expressed interest in purchasing the Highway Departments old radio. She asked Mr. Strickland how soon they would be out of use.  
**Mr. Strickland** said they don't use them much any longer.  
**Mrs. Carlson** said Mr. Kelsey wanted them for use as ham radios.  
**Mr. Sena** said they are obsolete at the county already.
6. **ASSESSOR – JANUARY PROPERTY SALES/TRANSFERS**
7. **PLANNING BOARD 2/14/12 ; ZONING BOARD 2/22/12 MINUTES**
8. **NEIL ROBINSON, TOWN OF ELLERY ATTORNEY – Notice of Public Hearing 3/8/12**  
**Local Law #2, Amendment to the Zoning Ordinance**
9. **PENHOLLOW DISPOSAL SERVICE – Annual Transfer Station Report to DEC 2011 –**  
**662.41 tons (up 25 tons from 2010)**  

**Mr. Stow** said when you look at 662.41 tons per year it seems like a lot of tonnage. He said he had done some investigating and it comes to 12.74 tons per week. He said he had searched the EPA and Clean Air Websites and discovered that the average daily amount of solid waste per person is 4.5 lbs. and of this 35% is recyclable. He said he had done the math using the town's population of 2,300, and we should be roughly producing 5.18 tons of solid waste per day, with about 3.37 tons of this being recyclable. He said if you multiply that out for one year it becomes 1,227 tons per year and North Harmony is generating just a little over half of the national average. He said we are only throwing away about half of what other people are. He said it may be because we recycle more than the average municipality or more people are using private garbage pickup services. He said the only thing he couldn't figure in was the increase in the population in the summer. He said he had contacted the person at the county landfill in charge of waste and they were impressed by our numbers. He said they also confirmed that our numbers are accurate because they have to keep track of tonnage and where it comes from for their DEC report.  
**Mrs. Thomas** said the town also has to provide a tonnage report to the DEC every year for our station operation.  
**Mr. Stow** said he had also asked the county about tire amnesty and was told there won't be any collections in the future. He said he was told that there is a new use for the rubber. They are using it to plug the cells that methane is produced from rather than the usual crushed gravel.

*There was further general discussion of uses for recycled tire rubber.*

**10. GEOFF TURNER – INTERNET SERVICE TASK FORCE**

**Mrs. Carlson** said Mr. Turner had called and would like to establish a task force to address issues concerning internet speed and service. She said Mrs. Thomas has received a number of responses to the online survey and since one of the questions was if anyone was interested in serving on a task force she will forward the results to him so he can perhaps choose some of the respondents.

**Mr. Sena** said since the problem affects him greatly he would be glad to serve on the task force.

**Mrs. Thomas and Mr. Sena** encouraged all present to complete the survey.

**Mr. Stow** said he had decided to rewire his computer and phone into the house you have to have the small DSL filter. He said he had talked to Falconer Electronic to see if you can get a whole house DSL filter. He said they told him that they make them but you can't buy them. He said he was told the phone company has them and won't sell them, but will install them upon request. He said once it is installed you don't have to deal with the little DSL filters; your whole house is taken care of. He said most people don't know about this and his system works better now.

**Mr. Sena** said the bottom line is that we are not getting what we are paying for.

- **OLD BUSINESS:**

- **NYS DEFERRED COMPENSATION PLAN – Establish Oversight Committee and Authorize signing documents**

**Mrs. Carlson** said that Mr. Stapleton indicated that the town needed to establish an oversight committee for the plan.

**Mr. Stapleton** said it is important for the town to keep a close eye on this plan every year and that there be a committee to check and audit the plan. He said the liability associated with taking other peoples monies is substantial.

**Mrs. Carlson** asked if any of the liability falls on the town.

**Mr. Stapleton** said if the town fails to make proper withdrawals and submissions it could.

**Mrs. Carlson** asked if the entire board should be on the committee.

**Mr. Stapleton** said no, it could be 2 or 3 people. He said Mrs. Miller will be reporting in terms of what she is withdrawing from peoples paychecks and what she is sending to the plan administrator.

**Mr. Whitney and Mr. McNeill** agreed to serve on the committee.

**Mrs. Carlson** said basically the employees of the town are requesting that the town adopt the Plan so that they can invest their money.

- MOTION # 35 OF 2012  
ON A MOTION MADE BY MR. MCNEILL AND SECONDED BY MR. WHITNEY, THE SUPERVISOR WAS AUTHORIZED TO SIGN DOCUMENTS ADOPTING THE FOLLOWING STATE OF NEW YORK DEFERRED COMPENSATION PLAN RESOLUTION. **THE MOTION WAS CARRIED UNANIMOUSLY.**

**Adoption Of The State of New York Deferred Compensation Plan**

WHEREAS, the Town of North Harmony wishes to adopt the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions (the "Plan") for voluntary participation of all eligible employees; and

WHEREAS, the Town of North Harmony is a local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law\* and

WHEREAS, the Town of North Harmony has reviewed the Plan established in accordance with Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law of the State of New York; and

WHEREAS, the purpose of the Plan is to encourage employees to make and continue careers with the Town of North Harmony by providing eligible employees with a convenient and tax-favored method of saving on a regular and long-term basis and thereby provide for their retirement;

The Town of North Harmony

\* A local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law includes: a county, city, town, village or other political subdivision as defined in Section 131 of the retirement and Social Security law or civil division of the State; a school district or other governmental entity operating a public school, college, or university; a public improvement or special district, a public authority, commission, or public benefit corporation; or any other public corporation, agency or instrumentality or unit of government which exercises governmental powers under the laws of the State.

NOW, THEREFORE, it is hereby:

RESOLVED, that the Town of North Harmony hereby adopts the Plan for the voluntary participation of all eligible employees; and it is further

RESOLVED, that the appropriate officials of the Town of North Harmony are hereby authorized to take such actions and enter such agreements as are required or necessary for the adoption, implementation, and maintenance of the Plan; and it is further

RESOLVED, that the Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission.

- **HIGHWAY BUILDING - Cupboards**  
**- Disposal of Old Building?**  
**- Asbestos Report – None in roof of Old Building**

**Mrs. Carlson** said she had looked at some cupboards from Jamestown and they had not been acceptable to the highway employees who went to pick them up. She said Mr. Strickland and Mr. Stevens were able to find some cupboards that they feel will work well at the Bargain Outlet at a cost of \$1,500.00.

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She said last month there had been discussion on the old building and asked if the board wanted to move forward on that.

**Mr. Whitney** said this is to keep the cinder block portion of the old highway building.

**Mrs. Carlson** said yes, the block portion would be kept and eventually the other part would be torn down.

**Mr. Lawson** said he has not had an engineer look at it yet but he had looked at the outside himself and he had not had anything jump out at him. He said he would call Pete Radka and see if he would come down and look at it.

**Mr. Stow** said he would be more comfortable if an engineer looks at it and gives an opinion.

**Mr. Sena** said the engineer should also be asked to specify what should be used to fill in the end where the block ends and the pole portion begins.

**Mr. Lawson** said that is a good idea because he does not know how the pole part was connected to the block part.

- MOTION # 36 OF 2012  
ON A MOTION MADE BY MR. SENA AND SECONDED BY MR. WHITNEY ANY ACTION ON THE OLD HIGHWAY BUILDING WAS TABLED UNTIL AN ENGINEERS REPORT CAN BE OBTAINED. THE MOTION WAS CARRIED UNANIMOUSLY.

**Mrs. Carlson** said the town is still trying to get the asbestos report on the old highway building. She said supposedly it had gone to the lab but the copy of the report is exactly what we received the first time and there are no definitive answers.

**Mr. Stow** said we had received a third report that is the same as the first two. He said in the report they have not yet tested the roof material on the block portion of the building. He said they have not even taken a sample of the roof material yet.

**Mr. Lawson** asked if when it burnt the old roof was torn off. No one knew the answer.

**Mr. Sena** said as long as you do not disturb the roof you don't need to worry about the asbestos.

**Mrs. Carlson** said with employees using it you would need to make sure that none of it is disturbed.

**Mr. Strickland** said it has to be airborne to be a problem and if it is in the roof and encapsulated in tar there shouldn't be a disturbance issue. He asked Mr. Lloyd if the roof over the brick portion burned in the fire.

**Mr. Lloyd** said yes.

**Mr. Whitney** said wouldn't there be disturbance when the pole part is torn off.

*There was further discussion of the problem and obtaining the proper sample for testing.*

**Mr. Strickland** said things are coming along well on the new building.

**Mr. Sena** said he had received a lot of calls from neighbors about trees down in the ditch on Bly Hill Road. He said there is concern that a lot of rain might cause ditch flooding.

**Mr. Strickland** said he would check it out.

- BIDS FOR FURNACE INSTALLATION AT NEW HIGHWAY BUILDING

**Mrs. Carlson** said two bids had been received for the installation of the existing heating system at the highway building:

- Jamestown Heating & Air Systems \$3,275.00
- Northridge Services, LLC \$5,190.95

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- MOTION # 37 OF 2012

MR. SENA MOTIONED TO ACCEPT THE BID OF JAMESTOWN HEATING & AIR SYSTEMS TO INSTALL THE EXISTING FURNACE AND COIL SYSTEM AT THE NEW HIGHWAY BUILDING ACCORDING TO THE SPECIFICATIONS PROVIDED AT A COST OF \$3,275.00. MR. MCNEILL SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- PROPERTY MAINTENANCE LAW – Brad Lawson / Dick Sena

**Mrs. Carlson** said she had spoken to Pat Rice about the Property Maintenance Law and told him the town board would be discussing it this evening. She said he indicated that rather than putting it up for a vote tonight, he would like a chance to speak with the Planning Board at the Tuesday 3/13/12 meeting. She stated that she is personally opposed to the law as it is written.

**Mr. Lawson** said perhaps it would be a good idea for the Planning and Town Boards to get together and review the law prior to a vote so that concerns could be addressed.

**Mr. Sena** said he attends most all of the Planning Board (PB) meetings and last month they had been upset that nothing had been done on the law. He said the PB needs to know just what the specific objections Mrs. Carlson and the board have to the law and what changes the board wants to make.

**Mrs. Carlson** said she had talked to Mr. Lawson about what specific problems he is having in the town and Mr. Lawson had told her mainly trash and rubbish.

**Mr. Lawson** said we have addressed junk vehicles in the law but it doesn't address trash and rubbish. He said we do have the trash and rubbish law written in 2005 but this goes a little further. He said he feels this new law helps to address issues along the lake where it should be kept clean.

**Mrs. Carlson** said she feels there are a number of things in the law that are not realistic. She said as written, it says if you have a 20,000 sq. ft. lot, you can have only one boat. She said if you have a buoy on the lake, you're going to have 2 boats; one to get out to the boat on the buoy.

*There was general discussion between Mr. Lawson and the board members that everyone should attend the PB meeting on Tuesday so that the law can be reviewed and discussed by both boards.*

- MOTION # 38 OF 2012

MR. SENA MOTIONED THAT THE PROPERTY MAINTENANCE LAW BE TABLED ONE LAST TIME FOR REVIEW BY BOTH THE PLANNING AND TOWN BOARDS. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- CHENEY'S POINT BRIDGE

**Mr. Strickland** said he had met with Mike Borzoff who is the Falconer District Supervisor and had worked exclusively on bridges until he took his present job. He said Mr. Borzoff had agreed with Mr. Fardink's idea that the bridge could be rebuilt the way it is at an even lower cost than first thought. He said Mr. Borzoff indicated that even more of the beams than thought are good.

**Mr. Stow** said basically the load bearing beams at either end are the worst.

**Mr. Strickland** said there are more beams on the bridge than are actually needed. He said Mr. Borzoff has offered his assistance as he can afford it (welder, track hoe, etc.) and said the best time for him would be at the end of the summer. Mr. Strickland said the time table could not be moved up because Mr. Borzoff has a number of bridges for the county to take care of this summer.

*There was further general discussion of the size and types of beams necessary to do the work.*

- VIOLENCE IN THE WORKPLACE - Hazard Response Training Completed and letter sent to NYS Labor in Buffalo

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**Mrs. Carlson** said the only thing not yet completed is the training for the hazardous response. She asked Mr. Strickland if the highway department would be doing that training with Julius Leone in Mayville.

**Mr. Strickland** said he wasn't sure; other town's had discussed getting together to do the training.

**Mrs. Carlson** said the town does have a simple policy in place that states should you come upon a hazmat spill, you should call 911, stay on the scene, stay upwind, and don't do anything until the proper authorities arrive.

- **TRANSFER STATION – NANCY IDEAS**

**Mrs. Thomas** said the board had been discussing ways to cut down on the illegal use of the transfer station by persons who should not be using it. She said after discussing it with Mrs. Carlson, she had contacted Molly Brown's Signs. Mrs. Thomas said the best idea she could come up with was to create a different style sticker that could be placed in the rear window of vehicles. The sticker would have the town emblem as well as spot to enter the license plate number, or in the case of a seasonal rental home, the address. She said the license number on the rear window could be quickly matched to the rear license plate by the station attendants. She provided a proof copy of the design that was done by Molly Brown's and said the cost would be about \$.35 per sticker. She said a taxpayer would need to provide a registration to receive the first sticker and additional stickers could be obtained for a small fee to defray costs.

**Mr. Whitney** asked if they would peel off easily.

**Mrs. Thomas** said no, you would probably need a razor scraper to get them off.

**Mr. Stow** asked about the cling on style like they use for oil changes.

**Mrs. Thomas** said Ms. Brown said they don't work well with the extremes of heat and cold.

**Mr. Lloyd** said they use the same type for JCC parking and at other places.

**Mr. Stow** said he takes trash down for more than one household and asked if there would be some way to allow for this.

**Mrs. Carlson** said perhaps you could add a circled number to indicate the number of households after the license plate number.

**Mr. Sena** asked if actual size samples of the stickers could be obtained for the town to look at.

*There was general discussion about ways to display the sticker that do not require actually sticking it to the window.*

**Mrs. Thomas** said she would ask Ms. Brown if we could get actual samples of the stickers and the cling on style to review.

**Mrs. Carlson** said we have had some illegal dumpers and Mr. Lawson has sent violation letters and they are scheduled for court.

**Mrs. Miller** asked why the town doesn't use the pay per bag method that other towns use.

**Mrs. Carlson** said because then you have to hire someone to be there to collect the money from people who want to buy the bags. She said there is a lot more involved and the revenue received from the bags still does not cover the cost of the transfer station.

**Mrs. Spinner** said she would prefer to have the cling on type.

- **SHERIFF DEPT. COURT OFFICER CONTRACT RENEWED**
- **TOTAL CONTRACT AMOUNT \$6,000 (\$27.64/HR) BUDGETED FOR 2012 \$5,000.00 (expenditure 2011 \$3,832.74)**
- **Court Hours change does not affect the contract**

- **NEW BUSINESS:**

- **ADJUST PAY FOR TOWN BOARD TO QUARTERLY RATHER THAN SEMI-ANNUALLY**

- MOTION # 39 OF 2012

ON A MOTION MADE BY MR. SENA AND SECONDED BY MR. WHITNEY, THE COUNCIL MEMBERS WILL BE PAID QUARTERLY. THE MOTION WAS CARRIED UNANIMOUSLY.

- **SUGGESTIONS TO IMPROVE COMMUNICATIONS (Discussion meetings)**

**Mrs. Carlson** said the board has been discussing ideas that would provide better communications between themselves and constituents. She asked if anyone had further ideas. She said it was suggested that the agenda be sent out earlier.

**Mr. Sena** said he thinks that is a good start and it would be helpful to know about anything that must be voted on at the meeting. He said maybe a heads up by e-mail if your box is full would be a good idea. He said the quicker you have the information, the more time you have to review it.

**Mrs. Thomas** said if there is a public hearing for a local law or something of that nature, she posts it to the website for review. She said if the supervisor or board needs a particular piece of correspondence; we have the capability to copy it as a PDF and e-mail it to them. Mrs. Thomas said the law requires that the agenda for board meetings be posted on the board or the website 72 hours before a meeting and ours is usually posted on Thursday prior to a Monday meeting which is well over the 72 hour requirement.

**Mrs. Carlson and Mrs. Thomas** said they would both certainly try to see that board members get what they need to ensure they are prepared for meetings.

- **LAND BANK – COUNTY RESOLUTION REQUESTING SUPPORT**

**Mrs. Carlson** said the county has requested that the town submit a resolution supporting the formation of the Chautauqua County Land Bank. She said she has discussed it with other supervisor's and they are reluctant to support it, not knowing what the implications will be. She said there will be only 6 Land Bank reserves in NYS.

**Mr. Sena** said he was opposed to it as written. He said it appears the idea is for the county and town's to buy foreclosure properties. He said they would have first pick and he feels the private sector should have first choice. He said after the auction is held and there are properties that are not bought by the private sector, then maybe that would be OK. He said taxpayer money should not be used to buy and fix up foreclosure properties. He said there is also the question of asbestos and lead in these properties and whose responsibility it is to tear them down if required. He said there are too many variables that are not addressed in the proposal.

**Mrs. Carlson** said she is sure that some of what is driving this is that a number of municipalities have buildings that have been abandoned and in the villages they have tried to put those on the tax rolls to have the county underwrite the cost of the unpaid tax. She said the county's response has been if you are going to do that, we are not going to collect tax on them. She said she thinks the county is trying to find a way around that, to get rid of these abandoned properties and to establish a land bank.

**Mr. Stow** said if the county would drop taxes so people could afford to pay them this problem would not exist.

**Mr. Lawson** said there are two abandoned buildings in the Town of Ellicott that have burned and the town is having an issue. The issues are: property is at this time delinquent in taxes for 3 years; one of them burned over a year ago and has been left as is; it will go to the county for back taxes; it will cost at

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least \$10,000 to clean it up and no one from the private sector will buy it. He said somewhere along the line some of those rules and regulations have to be taken out of the way if those properties are to ever go back on the tax roll and/or the municipality will have to do the clean up at their expense and the property will be only worth about ½ or less of the money put into it.

**Mr. Strickland** said just the asbestos abatement for Erickson's Restaurant cost \$34,000.00. He said it cost \$54,000 total to get it down and there wasn't enough asbestos to fill a small dumpster.

*There was further general discussion of the idea.*

- MOTION # 40 OF 2012

MR. SENA MOTIONED TO SUPPORT THE CHAUTAUQUA COUNTY LAND BANK PROPOSAL AS WRITTEN. MR. STOW SECONDED. MRS. CARLSON, MR. WHITNEY, MR. SENA, MR. STOW, MR. MCNEILL; NO. **THE MOTION WAS DEFEATED.**

- **HYDROFRAKING – MARCELLUS SHALE**

**Mrs. Carlson** said they had attended a meeting where the topic had been hydrofraking and the Marcellus Shale. She said the one thing that she wanted everyone to be aware of is that if you have leased your land previously, you may want to go back and read that lease carefully. She said they may not have to re-lease your land to drill on it. She said that at another meeting with Kathy Young, Senator Young said the only place there is any significant Marcellus Shale in her district was in Allegheny County. She said she thought Kim Sherwood did a good job of presenting a balanced program.

**Mr. Sena** said one of the ways to control it is access for the use of town roads. He said the heavy equipment would do a lot of damage on our town roads which were not built to withstand the weight.

**Mr. Stow** said just because there is not much Marcellus Shale in our county does not mean it's a dead issue. He said next they will be going after the Utica Shale which is deeper and we do have a lot of that.

**Mr. Sena** said there is a meeting at the Jackson Center on this issue coming up soon. He said the town needs to stay up on new information.

- **BOND PAYMENT FOR LOOMIS BAY WATER DISTRICT DUE 3/31/12 – Bond amt. \$25,975.00; Principal Pmt. \$9,800; Interest Pmt. \$786.75; Attorney \$480.00 RENEWAL AMOUNT FOR 2013 \$15,995.00 (2 years left)**

**Mr. Stapleton** said M&T cannot provide actual interest rates on BAN's until practically the date they are renewed. He said Mrs. Sixby usually gives us an estimate of the maximum interest rate that we will pay and that is what we go with.

- MOTION # 41 OF 2012

MR. STOW MOTIONED TO AUTHORIZE THE SUPERVISOR TO MAKE PAYMENT ON THE 3/31/12 LOOMIS BAY WATER DISTRICT BAN AS FOLLOWS: BAN AMOUNT \$25,975.00; PRINCIPAL PMT. \$9,800; INTEREST PMT. \$786.75; ATTORNEY FEE'S \$480.00. FURTHER THE SUPERVISOR WAS AUTHORIZED TO RENEW THE BAN FOR 2013 AT A PRINCIPAL AMOUNT OF \$15,995.00, WITH INTEREST AT A MAXIMUM OF 3.7%. MR. SENA SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **DAN AKIN – SUGGESTIONS FOR BOY SCOUT SERVICE PROJECTS**

**Mrs. Carlson** said Dan Akin was in and asked about suggestions for Boy Scout Troop 126 projects.

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**Mr. Lloyd** said we could use them to help with the plantings at Cheney Creek and the Ashville Water Garden.

**Mr. Sena** said if they could help to make or provide house numbers for those homes that don't have them which would be helpful to the fire department. He said he didn't think the department was still offering the opportunity to purchase them as they had in the past.

**Mr. Lawson** said having house number identification is a part of the Property Maintenance Codes.

**Mr. Stow** asked if there was any work that needed to be done on the parks.

**Mrs. Thomas** said Mr. Akin and his son had gone down to Butts Park last year and done quite a bit of work there. She said they had cut up and moved some large trees that had come down, cleaned the tables, outhouses and just generally neatened the park up.

**Mr. Stow** asked if the Scouts have insurance.

**Mrs. Thomas** said yes the scouts have insurance.

**Mrs. Thomas** asked if there was any work needing to be done at Lighthouse Park.

**Mr. Sena** said yes there were a number of things down there they could help with. He said to have Mr. Akin call him.

**Mr. Strickland** said the fireman's ball field could certainly use some work and perhaps Troop 140 could help with that.

- **JAKE BRAKES IN ASHVILLE (Regal Truck in route to Cummins)**

**Mrs. Carlson** said someone had requested that the town see if anything can be done about truck drivers using their jake brakes in Ashville. She said apparently when they come from 474 toward the 4 corners they are using their brakes and making a lot of noise. She asked Mr. Lawson if there is something we can do as far as Noise Control.

**Mr. Lawson** said he doesn't think there is anything enforceable he can do. He said you could probably put up the "No Jake Brake Area" signs.

**Mrs. Thomas** said 474 and Maple are NYS and County roads respectively.

**Mrs. Carlson** said they would certainly be appreciated on North Maple.

*It was discussed that North Maple coming to the 4 corners is extremely steep and jake brakes are probably necessary there but not from 474 coming from Lakewood and turning onto South Maple.*

**Mr. Stow** said you might have to write a town wide ordinance to enforce it.

**Mr. Stapleton** said the first inquiry should be to the NYS DOT to find what they might be willing to do.

**Mrs. Carlson** said it might be a good idea to talk to some of the other neighbors in that area to see if it is a persistent problem.

- **CEMETERY SEXTON, JACK KNOWLTON – REQUEST FOR INCREASE**

**Mrs. Carlson** said we have received a request from our Cemetery Sexton for an increase in mowing rates. She said she had indicated to him that this probably was not the time to ask. He really needed to ask before the budget was set. The request is for an overall \$55.00 increase in mowing/trimming per mow at Maple Grove and North Harmony Cemeteries.

**Mr. Sena** said the cemeteries are a huge expense and he doesn't know why we don't put it out to bid.

**Mrs. Carlson** said it is important that we have someone who is responsible enough to go to the cemetery in the middle of the winter and dig a grave in the right place. She said she thinks you need to have someone with a lot of knowledge and experience and she doesn't feel that bidding it out will necessarily get you someone with that experience.

**Mr. Whitney** said the amounts only come to a \$55.00 increase. He said with Wild Rose included we are probably talking about \$75.00 at the most per mow.

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**Mr. McNeill** said with 25 mowings it is about \$1,500.00.

**Mr. Sena** said he was disappointed in the condition of Wild Rose when he was last there. He said someone had just mown around all the branches.

**Mrs. Thomas** said that Mr. Knowlton had not taken over that cemetery at that time. She said it was still being taken care of by our regular mowing contractor, Brad Swanson. She said if you go to North Harmony or Maple Grove Cemetery, you will find that they are extremely well maintained. She said we receive many compliments on how beautifully maintained those cemeteries are.

**Mrs. Carlson** said you cannot just hire someone off the street and expect them to go into a cemetery in the dead of winter and dig a grave properly. She said Mr. Lloyd will tell you that it is very difficult to get things where they need to be.

**Mr. Lloyd** said Maple Grove goes back to the horse and buggy days and things are not exactly where they are supposed to be. He said it can be quite an ordeal finding the graves and perhaps having to move them when they are not placed correctly.

**Mr. Sena** said he is just talking about bidding out the mowing.

**Mrs. Thomas** said Mr. Knowlton doesn't just mow; he goes in and rakes and picks up branches and sticks, etc. She said the town also receives fees for grave lots and grave openings which help cover the sexton costs.

**Mr. Whitney** said there is something to be said about the fact that Mr. Knowlton has not asked for an increase in mowing fees for four years especially with the price of gasoline doubling since 2008.

- MOTION # 42 OF 2012

MR. WHITNEY MOTIONED TO INCREASE THE MOWING WAGE OF THE CEMETERY  
SEXTON AS REQUESTED. MR. STOW SECONDED.

Discussion:

Mr. Stow said he feels that Mr. Knowlton does a top notch job with the cemeteries.

Mr. Sena said he has a little problem with doing this after budget is already done. He said we are just adding more expenses to an already completed budget.

Mrs. Carlson said she had told Mr. Knowlton that.

Mr. Sena said he feels for him on the gas prices but this just isn't the right time to do this.

Mrs. Thomas said she does not think that Mr. Knowlton was aware of the actual budget time as far as making a request of this nature.

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

- ILLEGAL DUMPING (Discussed previously under Transfer Station)

- PUBLIC HEARING – ESTABLISH CAPITAL FUNDS: GENERAL FUND (TOWN  
BUILDING) AND HIGHWAY FUND (EQUIPMENT)

**Mr. Stapleton** said the building is a specific fund for a town building and the equipment fund is not for a specific piece of equipment. He said the finance law in the General Municipal Law treats them differently so at the public hearing you should set a maximum amount that you want in the fund for the town building. He said because the useful life of more than 5 years for the town building that fund would be subject to a public referendum vote, whereas the equipment would not as it usually does not have a useful life of more than 5 years.

**Mr. Sena** asked why we need to do this when we haven't done it in the past.

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**Mrs. Carlson** said because we should have been doing it in the past but with the highway building the town had just saved the money over the years and not had a specific fund that it was going to. She said that is something that we are not supposed to do according to the comptroller's office.

**Mrs. Thomas** asked what if an emergency happens and you need those funds.

**Mr. Stapleton** said you cannot use those funds as they are restricted.

**Mrs. Carlson** said the only way around it is if you call it a general building fund for repairs, etc. She said the long term goal is a new town building.

- MOTION # 43 OF 2012

MR. SENA MOTIONED TO HOLD A PUBLIC HEARING MONDAY, APRIL 9, 2012, AT 7:00 PM TO DISCUSS ESTABLISHING CAPITAL RESERVE FUND ACCOUNTS IN THE AMOUNT OF \$25,000 IN THE GENERAL FUND FOR THE TOWN BUILDING AND IN THE AMOUNT OF \$25,000 IN THE HIGHWAY FUND FOR THE PURCHASE OF EQUIPMENT. MR. MCNEILL SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

*It was discussed that neither Mr. Stow nor Mr. Sena will be able to attend the April board meeting.*

- SANITATION PROBLEMS AT AMISH CAMPGROUND

**Mr. Parran** asked if the board has any information on the ongoing sanitation problem at the Amish campgrounds at Cheney Creek.

**Mr. Lawson** said that he understood that they had a permit from Chautauqua County and had put in a privy using a tank. He said there is another structure on the property and he will be issuing a violation for that because the property is not of a size to allow it.

**Mr. Parran** said the outhouse is right next to the stream.

**Mr. Lawson** said the county regulates that. He said they would be checking to see if it has been emptied or needed to be emptied.

**Mrs. Carlson** said there are restrictions as to how an outhouse must be built and they are very precise. She said if the county approved it, it must be to their satisfaction.

**Mr. Spinner** asked if they checked them on a regular basis or just when attention was called to them.

**Mr. Lawson** said he did not know, but they could check with the County Health Department.

**Mrs. Carlson** said probably only on complaint would they check.

- REPORTS:

DAN STRICKLAND, HIGHWAY SUPERINTENDENT

**Mr. Strickland** said he would like to get rid of the Osh Kosh. He said he was told he needed to come to the board and have it declared surplus. He said the truck is really of no use and he might be able to get about \$3,000 for it.

- MOTION # 44 OF 2012

MR. WHITNEY MOTIONED TO DECLARE THE OSH KOSH TRUCK SURPLUS AND AUTHORIZED THE HIGHWAY SUPERINTENDENT TO SELL IT. MR. STOW SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

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**Mr. Strickland** said he would like to pursue lowering the speed limit on town roads to 45 MPH with the exception of those that are already posted at speeds lower than 45 MPH. He said he does not feel they are safe at 55 MPH.

**Mrs. Carlson** said you have to go through the county and state to do that.

**Mr. Lloyd** said that Busti had gotten theirs lowered by requesting it town wide. He said prior to that when they had just requested it on specific roads, it had been denied.

**Mr. Strickland** said town roads are 18' wide with no lines and are not in good shape and he feels that 55 MPH is not safe on them.

- MOTION # 45 OF 2012

MR. SENA MOTIONED TO AUTHORIZE THE HIGHWAY SUPERINTENDENT TO MAKE A REQUEST OF THE COUNTY AND NEW YORK STATE TO LOWER THE SPEED LIMIT TO 45 MPH ON ALL TOWN ROADS NOT ALREADY POSTED AT SPEED LIMITS LOWER THAN 45 MPH. MR. MCNEILL SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

**Mr. Lloyd** said you would need to post speed limit signs at the entrance of all the roads affected.

**Mr. Strickland** said there are 6 “entering the Town of North Harmony” signs that are in pretty rough shape. He said the signs cost about \$200 each and asked if he has a separate account for signage.

**Mrs. Thomas** said yes, he has a General Fund account A3310.2 specifically for signs.

**Mrs. Carlson** said there is \$1,000 total in the 3310 account.

**Mr. Stow** asked if the town needed to have such large signs. He said because they are so huge the wind gets to blowing and bends them.

**Mr. Strickland** said he doesn't think they need to be so large. He said if the board is OK with that he will order smaller signs when he replaces them.

**Mrs. Carlson** said they need to be big enough to be seen or not put up at all.

**HOWARD PEACOCK, JUSTICE (Copy of Report in Minute Book)**

**Mr. Peacock** read the court report for those present.

**BRAD LAWSON, ZONING C.E.O. (Copy of Report in Minute Book)**

**Mr. Lawson** said he had issued a couple of new permits. He said Mr. McGraw had come in to talk with him and they had discussed a 4 story, 50' tall hotel, but no drawings, etc. were provided.

**Mrs. Carlson** the town would not become involved until an actual application was received.

**Mr. Lawson** said there is a new form from the LWRP called the Waterfront Assessment Form (WAF) that he is now asking to be completed for building applications along the lake shore. He said it also may later affect areas further inland with streams, etc. He said it is a good idea as it requires protection of water ways when building projects are ongoing.

**DAVE LLOYD, STORMWATER PLANNER**

**Bly Hill Grant**

**Mr. Lloyd** said that he and Dan had a meeting with Brian Davis, Tolman Engineering; Jeff Diers, Watershed Coordinator; and Dave Wilson, Soil and Water. He said there have been some changes to the project. He said the major part of the step system will be moved up to hill to address the area where a new cross pipe will be installed before the road is paved this summer. He said it has been approved to change some of the dead man blocks to conform to the ditch and water flow. He said all were pleased with the way things are going.

**Ashville Water Garden**

Mr. Lloyd said things are on track for a late spring planting with Betsy Bergeson's help. He said they are working with Tim Barron and Mark Bergeson on the kiosk for the garden.

**Cheney Creek Grant**

Mr. Lloyd said he had meetings with Ms. Bergeson on both the Ashville and Cheney Creek plantings. He said they will be looking for help from BOCES Vo-tech or the Boy Scouts to do that planting.

**2013 Grants**

Mr. Lloyd said he had one meeting with Jeff Diers on new grants. He said they are going to meet again soon to discuss our future with the 2% grants.

**NANCY THOMAS, TOWN CLERK (Report in Minute Book)**

Mrs. Thomas said she had nothing further to add to her written report.

- MOTION # 46 OF 2012  
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 in Minute Book)**

- MOTION # 47 OF 2012  
MR. STOW MOTIONED THAT THE SUPERVISOR'S REPORT BE ACCEPTED AS PRESENTED. MR. MCNEILL SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.
- MOTION # 48 OF 2012  
MR. WHITNEY MOTIONED TO PAY THE GENERAL FUND VOUCHERS AS AUDITED AND REVIEWED EARLIER. MR. STOW SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.
- MOTION # 49 OF 2012  
MR. WHITNEY MOTIONED TO PAY THE HIGHWAY FUND VOUCHERS AS AUDITED AND REVIEWED EARLIER. MR. MCNEILL SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.
- COMMITTEE MEETING FOR VETERAN'S MONUMENT – THURS. 3/22/12 9:30 AM
- MOTION # 50 OF 2012  
ON A MOTION MADE BY MR. SENA AND SECONDED BY MR. MCNEILL THE MEETING WAS ADJOURNED AT 9:15 PM.

*Nancy Thomas*  
*Town Clerk*