

**TOWN OF NORTH HARMONY
PUBLIC HEARING LOCAL LAW NO. 2 OF 2012
2% TAX CAP OVERRIDE
MONDAY 7/9/2012 7:00 PM**

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

Others Present: Jay Gould, Legislator; Brad Lawson, Zoning C.E.O.; Dan Strickland, Highway Superintendent; Robin Miller, Bookkeeper; Phil Strand, Louis Rieg, Planning Board; Dave Stapleton, Attorney; Dave Lloyd, Stormwater Planner; Howard Peacock, Justice; Sarah Novak, Diane Miller, Jim Gibbons; Lynn Smith; Vince and Colette Freeman; Ted and Mary Parran; Gail Martin; Pam Smoulder, Kim Snyder, Nancy Thomas, Town Clerk

- **PLEDGE**

PUBLIC HEARING: LL #2-2012 - 2% TAX CAP OVERRIDE

Mrs. Carlson opened the Public Hearing at 7:00 PM.

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of North Harmony pursuant to General Municipal Law § 3-c, and to allow the Town of North Harmony to adopt a budget for the fiscal year 2013 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of North Harmony, County of Chautauqua is hereby authorized to adopt a budget for the fiscal year 2013 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, § 3-c.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

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Section 5. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

Mrs. Carlson said the reason we need to do this is because Workman's Compensation which had previously been a charge back on each taxpayer's tax bill will now become a part of the town budget and we have been informed by the county that we must make direct payment in February, 2013 of \$51,000.00. She said hopefully there will not be an increase in tax bills between the county and town. She said it has now become a part of the town's budget and the most we could raise under the 2% tax cap is \$12,000.00. She asked if anyone had any questions.

The Public Hearing was adjourned at 7:02 PM.

Nancy M. Thomas
Town Clerk

**TOWN OF NORTH HARMONY
TOWN BOARD MEETING
MONDAY 7/9/2012 7:00 PM**

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

Others Present: Jay Gould, Legislator; Brad Lawson, Zoning C.E.O.; Dan Strickland, Highway Superintendent; Robin Miller, Bookkeeper; Phil Strand, Louis Rieg, Planning Board; Dave Stapleton, Attorney; Dave Lloyd, Stormwater Planner; Howard Peacock, Justice; Sarah Novak, Diane Miller, Jim Gibbons; Lynn Smith; Vince and Colette Freeman; Ted and Mary Parran; Gail Martin; Pam Smoulder, Kim Snyder, Nancy Thomas, Town Clerk

- **MINUTES 6/11/12**

- **MOTION # 98 OF 2012**

ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. MCNEILL, THE MINUTES OF THE 6/11/12 TOWN BOARD MEETING WERE ACCEPTED AS PRESENTED BY THE TOWN CLERK UNANIMOUSLY.

- **ANNOUNCEMENTS:**

- North Harmony Sr. Citizen Sale 7/14/12 9:00 AM – 4:00 PM
- Ashville Day 7/21/12
- Town Board and Planning Board meeting Tues. 7/10/12

- **PUBLIC COMMENT:**

- **SARAH NOVAK – HYDROFRAKING**

Ms. Novak said she did not wish to discuss the chemical issues of hydrofraking, but wished to discuss the water implications. She said the water table is down and she would like to ask the town to consider placing a ban on hydrofraking and the use of our good drinking water for this process. She said there are millions of gallons of our best natural resource, water, being used in the hydrofraking process of each well. She said they are selling this natural gas overseas and our water can never be replaced. She said we can't buy back water and stated when she was adopting her daughter from China 11 years ago; the Chinese were buying their water from the Great Lakes in Canada.

Mrs. Carlson said probably the town would need to appoint a committee to do some research. She said perhaps Paul Silzle and Louis Rieg who are knowledgeable about the subject would be willing to serve on a committee. She asked Ms. Novak if she would serve on the committee and she agreed. Mrs. Carlson said perhaps Dan Thomas would be interested in the committee.

Ms. Miller asked what authority the committee would have.

Mrs. Carlson said the committee would bring research findings, information and recommendations to the town board and they would make the final decisions.

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- **CORRESPONDENCE:**

1. **SARAH NOVAK – e-mail re hydrofraking (addressed previously under Public Comment)**
2. **NEWSLETTER JBC**
3. **MURIEL BRAMBLE – Resident 5222 Winona Ave. letter to board regarding Winona ROW**
Mr. Whitney read Mrs. Bramble's letter into the record (copy attached to minutes).
4. **RICHARD STAHL SMITH – Resident letter requesting 4 way STOP at Ashville Four Corners**
Mr. Stow read the letter into the record (copy attached to minutes).
5. **TIME WARNER CABLE**

- **OLD BUSINESS:**

- **2% TAX CAP OVERRIDE RESOLUTION – LL #2-2012**

MR. STOW MOTIONED TO ADOPT LOCAL LAW NO. 2-2012, A LOCAL LAW TO OVERRIDE THE 2% TAX CAP LEVY ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-c. MR. MCNEILL SECONDED.

Discussion:

Mr. Sena asked if there was any other option.

Mrs. Carlson said it could come out of fund balances or the budget and it will be a yearly and ongoing charge.

Mr. Gould said the state auditor's had forced the county to do it this way. He said it used to be a charge back item on the tax bill just like the Fire District and was not in the county budget. He said the County Executive should have a budget ready by 9/24-25/2012 and he does not know if the rate will reflect any savings in the county taxes. It was noted that our workman's comp also covers the Ashville Fire Department volunteers. There was further general discussion.

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

- **WINONA AVE.** - **Steve Carlson to do survey**
- **Real Estate Ad adjusted**
- **Cutting not on Town Property**

Mrs. Carlson asked those who had gone to the location to explain if the cutting had been done on town property.

Mr. Sena said without a survey it would be difficult to tell.

Mr. Gibbons said the ROW is town property and is in the deeds as town property. He said Ms. Bramble's letter indicates her only concern is safety and fire vehicle access. He said it is a 30' wide street and ROW and 11' is used for the stormwater retention system. He said his concern was destruction of vegetation that helps slow water to the lake. He said in conversations with the Fire Chief he was informed that there was no way they would ever need access through the ROW. He indicated that Ms. Bramble calls the police when he has a guest park next to his garage which is on the ROW. He stated that if Ms. Bramble's

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only concern was safety why had she previously come to the town board with a plan to install a dock on the town property. He said he has photos proving the water runoff has corrupted the lake shore at his home.

Mrs. Carlson said we are having it surveyed and then we can take some action as far as what the town's course will be.

Mr. Lloyd said he would like to see Mr. Gibbon's photos and indicated he did not see any evidence of erosion when he was there. He said he would like to install some portable silt fencing to see how much runoff there is during a storm.

Mr. Stow asked if it had been established that the property belongs to the town.

Mrs. Carlson said it is part of the subdivision map that was filed.

Mr. Stow said in 2005 Mr. Stapleton had said it was a private matter between neighbors in the old subdivision maps. He asked what had changed since then.

Mr. Stapleton said he had not looked at any title materials about this matter. He said he is not aware of any new material that would change his opinion at this point. He said he would review the material again if the town wishes. He said essentially a subdivision map is a map placed over private property that gives implied access to the lake to people who purchase lots within the subdivision. He said it doesn't automatically transfer title to the town by the filing of the map. He said it is an implied offer to the town to take title if in fact the town, county or state wishes to take title to a piece of property if it meets specific criteria. He said it appears that there is some political will on the part of the town to try and take title to the ROW and create a runoff protection for the lake.

Mr. Sena said after the survey we will know better where we stand. He said when that is established if it is town property a sign could be placed indicating "North Harmony Fire Lane Permit Only Parking" to address Mr. Gibbons parking issue. He said if the town does own the ROW perhaps grant funding could be sought to do something about runoff.

Mr. Strickland indicated that the town already has a backlog of grant funded projects that need highway work to be completed and we should be cautious about seeking others until current projects are complete.

Mrs. Carlson said Dave has already done a great deal of work at that location. She suggested that the town should file a quit claim deed for a fire lane so there is no question that it is a fire lane.

- **WORKMAN'S COMP MEETING**

Mrs. Carlson said she and Mr. Stow had attended the meeting at the county and they had sent a list of loss experience. She said Mr. Cafilish suggested to them that a letter of explanation be sent with tax bills going out in January, 2013.

- **DEFIBRILLATOR**

Mrs. Thomas said she had provided the board with state bid packets received from Under Sheriff Holder. She said the total cost of an Automatic Emergency Defibrillator (AED) would be \$1,681.15. This packet includes the AED, additional battery and alarmed wall mount cabinet.

Mrs. Carlson suggested that we use some of the funds set aside for asbestos removal at the Raynor property to purchase the unit. She said since no asbestos had been found at the property, there is a fund balance.

- **MOTION # 99 OF 2012**

MR. STOW MOTIONED TO EXPEND FUNDS IN THE AMOUNT OF \$1,502.15 FOR A PHILIPS HEART START FRX DEFIBRILLATOR AND \$179.00 FOR AN ALARMED WALL MOUNT CABINET TO BE INSTALLED AT THE COMMUNITY BUILDING. MR. SENA SECONDED.

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Discussion:

Mrs. Miller asked if there would be any training provided.

Mrs. Carlson said no, it is supposed to be very user friendly.

Mrs. Thomas said the unit actually talks you through the process and will not operate if the conditions are not correct for a victim to receive a shock.

Dr. Parran said he carries one of the units with him and suggested that everyone in the offices should also have CPR training and become very familiar with the unit.

THE MOTION WAS CARRIED UNANIMOUSLY.

- **GRIEVANCE DAY**

Mrs. Carlson said we have received some phone calls regarding Grievance Day. She said she has also been notified that some of the Board of Assessment Review (BAR) members had been called and harassed at home about assessments in Loomis Bay. She said apparently these people had not provided the information necessary for the BAR to make an informed decision and she said she had suggested that the Loomis Bay residents go through the small claims process available through the county to protest their assessments. She said the BAR is a sounding board to give people access to their peers when assessment decisions are made. She said we will be doing some type of article in our next newsletter outlining the procedure for taxpayers and informing them of the function of the BAR.

- **ILLEGAL DUMPING AT TRANSFER STATION**

Mrs. Carlson said letters have been sent to the offenders.

- **WILD ROSE CEMETERY**

Mrs. Carlson said some unauthorized work had been done at the cemetery by the sextant. She said the poles he had installed at the corners of the lot would have to be removed so that the fence could be installed.

Mrs. Thomas said the sextant had told her that he had piled some brush up that he cleared off. She said it was noted that there were pieces of grave markers in the pile and the sextant informed her that the pieces contained no writing and could not be fitted onto anything existing so it could not be determined where they belonged. She said the sextant probably was not aware that a fence was to be installed and was just trying to mark the boundaries of the cemetery.

- **BUTTS PARK**

Mrs. Carlson said Mr. Sena had done his park inspection and noted the improvements that needed to be made at the various parks. She said since then there has been vandalism at Butts Park. The ring was broken on the well; hydrant bent and knobs missing. Mr. Stow has agreed to make repairs to that.

Mr. Stow asked if residents would keep an eye on the park and inform the town or police of any suspicious circumstances.

- **NEW BUSINESS:**

- **HYDROFRACKING REGULATION - Form Committee (Paul Silzle, Louis Rieg, Dan Thomas ?)**

Mr. Rieg agreed to serve on the committee. A date for the first meeting will be established.

- **CHENEY'S POINT - Sign "No Parking on the Right of Way"
- Amish Buildings**

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Mr. Freeman said he owns property on both sides of Cheney Creek. He said the Amish had bought a small piece of landlocked land adjoining his that the creek runs through at a tax auction. He said currently the Amish have not proven that they have a right of access to this land. He said the town has stated that the Amish must prove that they have a right of access to their landlocked parcel. He said the Amish are constantly trespassing onto his property and they have put up buildings with no permits and nothing has been done about that situation. He said they have turned it into a campground with sometimes 20-60 people camping on the parcel. He said they have abused his land by putting their fish heads on it and using it as a turnaround. He said he has had to put up a fence to keep them off his land and he does not know what to do.

Mr. Sena asked if the problem had recently escalated.

Mr. Freeman said they have owned the property since 2000 and the problems have increased yearly since then. He said he has brought his issues to Mr. Lawson and although Mr. Lawson speaks to them and has fined them, nothing happens.

Mr. Lawson gave some background and said on 6/14/12 he sent a letter of violation to Mr. Wengerd for building on a non-conforming lot without a permit. He said Mr. Wengerd must appear before him by 7/1/12 and make application to the Zoning Board of Appeals for an area variance. He said Mr. Wengerd did not appear and was sent an appearance ticket for court on 7/12/12. He said he had received a phone call from Mr. Wengerd's attorney who said that Mr. Wengerd would take down the shed structure. He said he has not been there to see if that was done. He said he has not yet received any paperwork for the ZBA hearing. He said when Mr. Wengerd's case is heard, he will have to prove to the ZBA that he does have legal access to the property. Mr. Lawson said Mr. Wengerd had applied to the county for a privy permit and had installed a tank in the ground that was approved by the county. He said they had not applied for a building permit to

construct an outhouse over the building and there was question as to where the structure is located in relation to the property lines.

Mrs. Carlson she was at the location earlier today and the structure is still there.

Kim Snyder said they have property on Cheney Pt. and the adjoining creek. She said she had contacted the County DOH about the porta-potty located there and they checked it out. She said it was overflowing every time they came and they did nothing. She said contamination of the stream is a concern to all the people who live there. She said it is a major health issue.

Mr. Parran said no building permit was requested or received for the construction of the outhouse. He said the shed they are constructing is ready for insulation.

Mr. Gould said it might behoove the town to send a letter to the Clymer Bishop regarding the matter.

Gail Martin said she is a neighbor and is tired of listening to the porta-potty door slam all night long. She said the situation is ridiculous and the wheels of justice should not be this slow.

Mr. Stapleton said the town has discussed several ways to handle the issue. He said he feels that the action taken by Mr. Lawson and the ZBA will address part of the issue, but that does not preclude the town from taking further action.

Mrs. Carlson said Mr. Stapleton had indicated that the town could place a fence across the town land toward the point.

Mr. Stapleton said the town has the authority to do anything it wishes to manage its properties including installing a fence and no trespassing signs. He said it appears they are using town property to access their land.

Mrs. Smith said the Amish use Cheney Pt. and Cheney Creek as their own private marina. She said there are boats and trailers parked there all the time, even over the weekend.

Mrs. Carlson said signs have been placed to prevent that and they will be hauled away.

Kim Snyder said that in 1984 when they purchased their cottage a neighbor had a septic tank clearly in violation of health codes. She said the DOH had come in and shut the place down immediately. She said the law should apply to everybody.

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Mr. Lawson said the privy (tank in ground) the Amish had built was a totally legal system through the county DOH. He said it is the structure over the top that is in violation of town building codes.

Mr. Freeman said he had only seen the privy pumped once in all those years.

Pam Smoulder expressed concern about the number of horses on the land and said the Amish have put a fence across the creek.

Mrs. Carlson said she had spoken to the DEC and was told that it is not a protected stream and as long as they don't block the water flow the DEC has no issue.

Mr. McNeill said he felt a decision should wait until after Mr. Wengerd's court appearance on Thursday.

Mr. Whitney agreed and asked if their county permit could be revoked because they did not comply with town ordinances.

Mr. Lawson said he did not know, but would find out.

Mrs. Carlson said she would have the trash barrel emptied at the point. She said she would like to have the town put a fence across the town access that is being used to get to the property and force them to prove they have a right to use it.

Mr. Freeman said he was told he could block that road and when he had they had sued him. He said they will sue the town.

Mr. Stapleton said when you have a group of people concerned about an old subdivision sometimes the most logical action is to have a class action suit filed by neighbors.

Mr. Stow said personally he would like to take Mr. Gould's advice and speak to the Clymer Bishop first.

There was further general discussion.

- **MOTION # 100 OF 2012**

MR. STOW MOTIONED THAT THE TOWN PLACE A 20' SECTION OF FENCE ON THE TOWN ACCESS TO CHENEY POINT. MR. WHITNEY SECONDED.

Discussion:

Mr. Sena asked if that would just push the Amish onto other peoples land for access to their parcel.

- **MOTION # 101 OF 2012**

MR. STOW MOTIONED TO TABLE MOTION #100 OF 2012 UNTIL NEXT MONTH AND FURTHER DISCUSSION. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

Mrs. Freeman invited the board members to come and visit the site anytime they wished.

There was general discussion of the paper streets that were never accepted by the town and historical use of property. It was discussed that it would be a good idea if the county would notify neighbors first in a tax sale of a landlocked piece of property so they might have an opportunity to purchase it. Concern expressed about the number of horses and their waste going into creek from a public health standpoint.

- **NYS DEC – LISTERIOSIS IN LOCAL DEER**

Mr. Stow said a deer in Hadley Bay had been exhibiting no fear toward people and they had been feeding it, etc. He said the DEC had come and dispatched the animal and it had been sent to Cornell. He said the results of testing indicated that the deer had listeriosis which is not transferable to humans. He said people need to understand that you can't be friendly with these types of animals because their friendliness may mean they are sick (i.e. rabies, etc.).

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- **SIGN AT ASHVILLE COMMONS – Tim Barron replaced boards and touched up sign at his expense; North Ridge Services – electrical work on sign**

- **JOINT MEETING TOWN AND PLANNING BOARDS 7/10/12 6:00 PM**

- **HIRE PART-TIME EMPLOYEE FOR PARKS**

Mr. Sena said last month the board had discussed maintenance issues at the town parks and an add had been placed in the P.J. for a part-time park maintenance employee. He said about 7 applications had been received and he and Mr. Stow had reviewed them and interviewed 3 candidates. He said they had chosen Kenneth T. Newton and contacted his references. All references had been good.

- **MOTION # 102 OF 2012**

ON A MOTION MADE BY MR. SENA AND SECONDED BY MR. STOW, KENNETH T. NEWTON WAS HIRED AS A PART-TIME (20/HR WEEK AT \$8/HR) PARK MAINTENANCE EMPLOYEE EFFECTIVE 7/9/12. THE MOTION WAS CARRIED UNANIMOUSLY.

- **SUB-REGISTRAR – APPOINT SALLY CARLSON**

- **MOTION # 103 OF 2012**

ON A MOTION MADE BY MR. WHITNEY AND SECONDED BY MR. SENA, SALLY P. CARLSON WAS APPOINTED SUB-REGISTRAR FOR THE TOWN OF NORTH HARMONY EFFECTIVE 7-9-12. THE MOTION WAS CARRIED UNANIMOUSLY.

- **CLA DINNER MEETING – ANNUAL REPORT (Available for review)**

- PADDLE CHAUTAUQUA 8/11/12 \$10 LAKESIDE PARK

- **REQUEST FOR FOUR WAY STOP SIGNS AT ASHVILLE FOUR CORNERS**

Mr. Strickland said it would be very helpful as there is a lot of traffic there and it would certainly benefit the Fire Department when there is an incident in the area.

- **MOTION # 104 OF 2012**

MR. STOW MOTIONED TO AUTHORIZE THE TOWN CLERK TO BEGIN THE PROCESS OF REQUESTING A TRAFFIC STUDY FOR A TRAFFIC LIGHT OR 4 WAY STOP SIGNS AT THE 4 CORNERS IN ASHVILLE (INTERSECTION OF RT. 474 AND NORTH AND SOUTH MAPLE STREETS. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **ASHVILLE BAY ROAD**

Mrs. Thomas said she had received a phone call today from Larry Myer who lives on Ashville Bay Road. She said Mr. Myer informed her that on the 4th of July there had been an emergency situation there and the Fire Department had a great deal of difficulty getting around the cars parked there in their rescue effort. She said Mr. Strickland had taken a look and indicated there is only one No Parking sign left on Ashville Bay Road at the turnaround. He said there are a number of signs that indicate No Parking jet skis and boat trailers.

Mrs. Carlson asked if the call was from the privately owned section at the end of the road.

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Mrs. Thomas said it was Malcomb Bruce that the call went out for. She said Mr. Myer indicated that the number and placement of cars prevented the fire department from turning around.

Mr. Lawson said the Fire Department had spoken to him about the incident and they had indicated that the problem occurred on the private section of the road. He said they had gotten the ambulance in by pulling in the mirrors and driving slowly down the road. He said the Fire Chief had told him that if it had been a fire they would not have been able to get a fire truck there without a great deal of damage.

Mr. Stapleton said the town has looked at the road before and since it is a private road the town would have no jurisdiction over it.

Mr. Lawson said he had suggested that the Fire Department compose a letter to those residents on the private road to address that type of situation.

Mrs. Carlson asked if the individuals who parked there would have some individual liability responsibility for obstructing emergency vehicles.

Mr. Stapleton said it is an easement for access to the homes down there and all the individuals who live there have a right to have unobstructed use of that roadway for emergency vehicles. He said to block that would be negligence.

Mr. Lawson said there is a garage and a couple of houses that sit right on the edge of the private road, so to get a vehicle there can be pretty treacherous. He said that a letter should really come from the fire department as the town has no jurisdiction in the matter.

- **RAIN BARRELS AT MAPLE GROVE CEMETERY**

Mrs. Thomas said she had been contacted about the rain barrels located at the cemetery by the shed. She said they are used to water plants and the water is not usable because the barrels have rusted so badly. She said the person had asked if the barrels could be replaced with plastic ones. Mrs. Thomas asked if the barrels could be replaced and the board agreed.

- **REPORTS:**

JAY GOULD, LEGISLATOR

Mr. Gould said the following occurred at the June meeting of the Legislature:

- Reappointments to Chautauqua Opportunities; Kathy Tampio appointed as Clerk to Legislature; Appointed Election Commissioners
- Enhanced Police Protection at Bemus Point and Chautauqua Lake School
- 3% Bed Tax restructure for a Skating and Gymnastics Spectacular at Jamestown Savings Bank
- County is working on Land Bank
- Special meeting on 7/11/12 to discuss a potential buyer for the County Home
- Approved \$80,000 more to remove weeds on lake. Mr. Gould said he voted against it because it was using fund balances which will have to be made up by raising tax rates.

DAN STRICKLAND, HIGHWAY SUPERINTENDENT

Mr. Strickland said the Highway Dept. has completed 19 ½ miles of repair and blacktop. He said they have done 3 miles of blacktop on Ramsey Road. He said there is still some CHIPS funding left and they plan to do some finish work on Morley Road. He said they did bar patching on the following roads: Randolph, Ericson, Fox, Diffley, Baker, Wall Street, Carpenter-Pringle, Butts, Hoag and upper end of Bly Hill. He said they still have to repair the upper end of Cheney and do some work at the swamp on Cheney and Open Meadows.

Mrs. Carlson said Ramsey Road looks really good.

Mr. Sena asked how the highway building project is going.

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Mr. Strickland said they are not working on it at this time because of highway work that needs to be done. He said the septic tank is ordered.

There was general discussion of the work being done with shared services of other towns.

HOWARD PEACOCK, JUSTICE (Copy in Minute Book)

Mr. Peacock read the Court Report for those present.

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

Mr. Lawson said there have not been a lot of permits that added valuation but he has been working a great deal on swimming pools. He said he has sent a letter of violation to Mr. Wengerd and one to a person on Butts Road who appears to be running some sort of used car lot. He said there have been complaints of dogs barking constantly in a neighborhood and he sent a copy of our noise ordinance.

DAVE LLOYD, STORMWATER PLANNER

Mr. Lloyd said he had attended a meeting at the Hewes Center on 6/25/12, and the topic had been the Goose Creek Erosion and Mitigation Project. He said the speaker was Jeff Diers, Chautauqua Co. Watershed Coordinator. Mr. Lloyd said in partnership with the CLMC, the Chautauqua Co. Planning Dept. is seeking to locate, map and assess areas where stream bank erosion and other channel issues are occurring and collect enough data to prepare design solutions to address these issues. He said Goose, Ball and Prendergast Creeks are a major source of silt in the lake and feels there was a lot of progress made with the emphasis on the creeks.

Watershed / Stormwater Potential Projects

- Dirt and gravel road management
- Roadside ditch stabilization
- Stormwater basin retrofit
- Filter strips
- Infiltration / groundwater recharge
- Bio-retention systems

Ashville Rain Garden

Mr. Lloyd said he had been watering almost every other day and some days more than once a day. He said we will have to purchase new trees by the end of July so that all bills can be turned in before the August meeting to meet the grant extension deadline. He said he would be meeting with Betsy Burgeson to go over design work for the sign.

Cheney Creek Project

Mr. Lloyd said the plants are ordered and being held at Brigiotta's. He said they hope to plant them the week of 7/16/12 but a day has not yet been set. He said they also need to get this done before August so that paperwork can be completed for the grant.

Bly Hill Project

Mr. Lloyd said all materials have been ordered for this project and work will begin after road work is finished.

Mr. Strickland asked if grant projects can be done by private contractors.

Mr. Lloyd said yes if funding allowed. He said it would take a burden off the highway department.

NANCY THOMAS, TOWN CLERK (copy in Minute Book)

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- **MOTION # 105 OF 2012**

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

SALLY CARLSON, SUPERVISOR (copy in Minute Book)

- **MOTION # 106 OF 2012**

ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. MCNEILL, THE SUPERVISOR'S MONTHLY REPORT WAS ACCEPTED AS PRESENTED UNANIMOUSLY.

- **MOTION # 107 OF 2012**

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

- **MOTION # 108 OF 2012**

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

- **MOTION # 83 OF 2012**

ON A MOTION MADE BY MR. MCNEILL AND SECONDED BY MR. SENA THE MEETING WAS ADJOURNED AT 9:10 PM.

*Nancy M. Thomas
Town Clerk*