

**TOWN OF NORTH HARMONY
TOWN BOARD MEETING
MONDAY 10/8/2012 7:00 PM**

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

OTHERS PRESENT: Jay Gould, Legislator; Dan Strickland, Highway Sup't.; Dave Stapleton, Attorney; Dave Lloyd, Stormwater Planner; Louise Ortman, Zoning Board; Howard Peacock / Everett Bensink, Justice's; Robin Miller, Bookkeeper; Brad Lawson, Zoning CEO; Nancy Thomas, Town Clerk

- **PLEDGE**

- **ANNOUNCEMENTS:**

- North Harmony Senior Citizens will host a Swiss Steak Dinner on Election Day 11/6/12

- **MINUTES 9/10/12**

- **MOTION # 136 OF 2012**

ON A MOTION MADE BY MR. MCNEILL AND SECONDED BY MR. WHITNEY, THE MINUTES OF THE 9/10/12 PUBLIC HEARINGS AND BOARD MEETING WERE ACCEPTED AS PRESENTED BY THE TOWN CLERK, UNANIMOUSLY.

- **PUBLIC COMMENT:**

- **CORRESPONDENCE:**

1. **MONTE KENNEDY – LETTER**

Mrs. Carlson said a letter had been received from Mr. Kennedy commending the Highway Superintendent and the fine job he is doing.

2. **NATIONAL GRID – Environmental Compatability on Transmission Line**

3. **CHAUTAUQUA COUNTY EMERGENCY MANAGEMENT PLAN (CEMP) – Completed by Town Clerk**

4. **NYS THRUWAY AUTHORITY – CHIPS - \$150,366.37 (\$115,000.00 + Carry Over)**

5. **CHAUTAUQUA COUNTY PLANNING – Municipal Referral 6 Month Moratorium on Privies In R-1 District matter of Local Concern**

- 6. NYS – DEPT. OF TAXATION - \$11, 821 PER CAPITA AID
- 7. TVGA – “MUNICIPAL DOLLARS AND SENSE” – 11/2/12 8:00 AM – 3:30 PM – Depew

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- 8. CHAUT. CO. IDA – Tax Exempt Policy adds Small Alternative Energy
- 9. CHAUTAUQUA LAKE SNOWMOBILE CLUB – Permission to Use Trails on Town Land
- 10. NYS – DOS – Local Law #2-2012 6 Month Moratorium on Privies filed 9/27/12
- 11. NYS GOVERNMENT FINANCE – Foundation Workshop 10/26/12 at Geneseo
- 12. BOND & SCHOENECK – Labor & Employment Law Breakfast Briefing – Buffalo 11/1/12
- 13. RURAL FUTURES
- 14. CARROLL HISTORICAL SOCIETY – Invite to attend presentation by niece of Franklin Hanson on trip to Netherlands (Catherine van der Woude) Monday, 10/15/12 7:00 PM
- 15. CHAUTAUQUA REGION COMMUNITY FOUNDATION (CRCF) – Agreement to administer the non-endowment funds for the Town of North Harmony Veteran’s Memorial

Mrs. Thomas said she had also received an e-mail from the CRCF asking about scheduling a photo op to bring attention to the memorial. Mrs. Carlson said it should be done when Mr. Stow returns from vacation.

- 16. CHAUTAUQUA COUNTY EXECUTIVE – GREG EDWARDS – ASHVILLE RAIN GARDEN CONTRACT EXTENDED UNTIL 10/31/12

- OLD BUSINESS:
- ASHVILLE FIRE DEPT. – HELIPAD - \$21,500 Raised by Fire Dept.
- BIDS FOR SUPERSTRUCTURE STEEL AND GALVANIZED BRIDGE PLANK FOR CHENEY’S POINT BRIDGE

**BIDS FOR SUPERSTRUCTURE STEEL
 CHENEY’S POINT BRIDGE
 10/1/12 11:00 AM**

<u>BIDDER</u>	<u>BID AMOUNT</u>	<u>NOTE</u>
1. Pierce Steel Fabricators, Inc.	\$28,952.00	galvanized steel
2. Jamestown Fabricated Steel	\$31,975.00	galvanized steel
3. Wilson Enterprises, Inc. dba/ Industrial Welding & Fabricating Co.	\$41,600.00	
4. Apollo Steel Corp.	\$48,845.00	

5.	Hohl Industrial	\$49,786.00
6.	U.S. Bridge	\$50,476.00

Mr. Gould indicated that 15 - 20 years back when scrap was selling at high prices a great deal of recycled steel had been shipped to China. He said we had bought some of it back from China and the county had used it on a bridge in Niobe and it had only lasted 10 years. He said the "I" beams had rusted through and he would make sure that it was American and not Chinese made steel.

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- **MOTION # 137 OF 2012**

MR. SENA MOTIONED TO ACCEPT THE LOWEST BID FOR THE SUPERSTRUCTURE STEEL FOR THE CHENEY POINT BRIDGE PROJECT CONTINGENT ON THE USE OF NON-RECYCLED AMERICAN MADE GALVENIZED STEEL. MR. MCNEILL SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

**BIDS FOR GALVANIZED CORRUGATED BRIDGE PLANK
CHENEY'S POINT BRIDGE
10/1/12 11:00 AM**

1. Contech Engineering Solutions \$13,160.00 (only bid received)

- **MOTION # 138 OF 2012**

MR. SENA MOTIONED TO ACCEPT THE BID OF CONTECH ENGINEERING SOLUTIONS OF \$13,160.00 FOR GALVENIZED CORRUGATED BRIDGE PLANK FOR THE CHENEY POINT BRIDGE PROJECT. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **MITCHELL PROPERTY – Field Planting / House**

Mrs. Carlson said the grass in the field is coming in very well and looks really good. She also said that John Stow has been working on the Mitchell house. She thanked Mr. Sena for the recycled shower he provided to be installed at the house.

- **MAPLE GROVE CEMETERY TREES**

Mrs. Carlson said the trees at Maple Grove will be removed shortly. She said we had to wait for confirmation of insurance coverage from the contractor Mr. Post.

- **WINONA DRIVE ROW AT CONNELLY PARK**

Mrs. Carlson asked Mr. Strickland if the no parking sign had been taken down on Winona. Mr. Strickland said he had forgotten to do that and would remove it as soon as possible.

- **REMINDER – PUBLIC HEARING ON 2013 BUDGET TUES. 10/30/12 7:00 PM**

- **OLD HIGHWAY BUILDING – ADVERTISE FOR BIDS FOR ASBESTOS REMOVAL**

- **MOTION # 139 OF 2012**

ON A MOTION MADE BY MR. WHITNEY AND SECONDED BY MR. SENA, THE TOWN CLERK WAS AUTHORIZED TO ADVERTISE FOR BIDS FOR ASBESTOS REMOVAL AT THE OLD HIGHWAY BUILDING. THE MOTION WAS CARRIED UNANIMOUSLY.

- **MOTION # 140 OF 2012**

ON A MOTION MADE BY MR. SENA AND SECONDED BY MR. MCNEILL, THE TOWN CLERK WAS AUTHORIZED TO ADVERTISE FOR BIDS FOR DEMOLITION OF THE OLD HIGHWAY BUILDING. THE MOTION WAS CARRIED UNANIMOUSLY.

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- **NEW BUSINESS:**

- **DOCK AT VICTORIA ROAD**

Mrs. Carlson said she had received an indication of concern about a dock located on Victoria Rd. ROW. She asked that Mr. Stapleton write a letter to the owners of the dock requesting that they place the dock within the ROW so that it does not obstruct the adjacent property.

Mr. Stapleton asked if the town knows how many parcels or households claim to have used the dock historically.

Mr. Bensink said a lot of people have used it but the Lescynski family has been responsible for it (installation, insurance, maintenance, etc.) for a number of years.

Mr. Stapleton said he would draft the letter and Mr. Bensink suggested he send it to Lisa Nickerson.

Mr. Bensink said he thinks the reason they had moved the dock toward the neighboring property was because the fire department had indicated that they needed to move it because it is a town ROW and it might encroach or impede access to the lake.

There was further general discussion of the ROW and the dock.

Mrs. Carlson said they can't put the dock on the neighbor's area and indicated they do not pay tax on the ROW. She said it didn't seem to be a problem in the past, but most recently a new larger dock had been put in with a larger "L" that encroaches.

Mr. Stapleton said he would draft the letter.

- **FIRE DEPARTMENT PROPERTY IN ASHVILLE**

Mrs. Carlson said we had received a letter from the 1st American Title Insurance Co. on the Ashville Fire District property that they are interested in donating to the town for green space.

Mr. Stapleton said he had asked Tom Price at Price Abstract to take a look at the deeds (6) that have been identified by the Fire District. He said Mr. Price had checked the title on them and the historic descriptions are difficult to deal with. He said the descriptions and the way that the title has run don't create a situation where the title is marketable under the Jamestown Bar Association Rules (requires 50 years of unbroken chain of title to a warranty, executor or trustees deed). He said the title companies are willing to insure over those types of risks and Mr. Price feels the risk is somewhat minimal even though the descriptions are not very good. He said Mr. Price gave a cost of \$553.00 for the abstract and title work and suggested we put a minimum policy of \$35,000.00 on the properties. He said the District indicates the property is valued at less than \$10,000.00 for the purpose of donation.

Mrs. Carlson said even though the District has agreed to give the property to the town, we don't have anything in writing yet. She asked how this would be handled.

Mr. Stapleton said we are not going to have a contract and he assumes if they want to donate it they will tender to the town a deed with the tax forms and then the town should give them to the Title Co. and they will run the search again just to make sure the District hasn't conveyed the title to anyone else in the meantime. He said then they will record the deed and insure the title based on the date and time of the recording. He said because the property is worth less than \$10,000.00, under Town Law there is no special election required for the sale or donation of the property. He said he had spoken to the District's attorney and he assumed that they were in the process of getting the deeds prepared and to the town. He asked Mrs. Miller if that was correct.

Mrs. Miller said she would know more after the District Board Meeting.

- **RE-APPOINT PENNY BEST TO BOARD OF ASSESSMENT REVIEW (2012 – 2017)**

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- **MOTION # 141 OF 2012**

ON A MOTION MADE BY MR. MCNEILL AND SECONDED BY MR. WHITNEY, PENNY BEST WAS REAPPOINTED TO THE BOARD OF ASSESSMENT REVIEW EFFECTIVE 10/1/12 – 9/30/17. THE MOTION WAS CARRIED UNANIMOUSLY.

- **ASHVILLE FIRE DISTRICT – PRELIMINARY BUDGET 2013**

Mrs. Thomas said she had received from the Bookkeeper to the Fire District a copy of the Preliminary Budget for 2013.

- **NYS–DOS - RECEIVED NOTICE OF FILING OF LOCAL LAW # 2-2012 - 6 MONTH MORATORIUM ON PRIVIES**

- **TOWN CLERK IN RECEIPT OF TOWN 2013 PRELIMINARY BUDGET**

- **PENHOLLOW DISPOSAL BOUGHT OUT BY CASELLA WASTE**

Mrs. Carlson said she believes our contract will stay in place without problems for next year.

Mr. Sena said it looks like they are the only game in town now.

Mrs. Carlson said the town would not be held captive because we still have our own trucks and employees.

- **REPORTS:**

JAY GOULD, LEGISLATOR

Mr. Gould said the following occurred in the Legislature:

- Appointments were made to various boards
- Carts received a grant for \$280,686.00 (10% local share from capital)
- Citizen Corps \$9,200.00 for homeland security
- Contracts and agreements for Stop DWI 2013-15

- Meals on Wheels are delivering some meals to Cattaraugus Co. area bordering Chaut. Co.
- County named Lead Agency for SEQR on Submerged Aquatic Vegetation Management Plan
- Public Hearing on Reapportionment 2:00 PM and Budget 6:30 PM 10/24/12
- Special Meeting and Vote on the County Home 10/18/12 6:30 PM

There was general discussion of the county tax rate which Mr. Gould believes will be around \$9.44 (100% assessment) and the amount the State wants in reserve (5% of total budget).

- Mr. Gould will be on vacation 10/25/12 until sometime in November

There was also general discussion of Workman's Comp and Mr. Gould suggested calling Susan Marsh to get the totals for all the towns. Mr. Gould suggested that the towns should try to get it added back to the roll as a chargeback. Mrs. Carlson said it would be helpful to have it shown as a separate line item.

DAN STRICKLAND, HIGHWAY SUPERINTENDENT

Mr. Strickland said the Highway Department has finished the Bly Hill Step Project and completed the work on the Ashville Rain Garden. He said he is re-stocking gravel and the new building is coming along nicely (ceilings are half finished; hose reels are hung; need to finish running air and water lines; need to finish grading around the building; need to do a little custom work on the septic tank cover; would like to price an 8' 90 minute fire door for the mezzanine to match the 90 min. fire wall that was installed. He said

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he would get verbal quotes. He said he would also like to price a compressor and needs to finish work on the cabinets. He said he is looking at a new one ton truck on the county 2012 bid now that he knows what the steel for the bridge project will cost. He said the truck he is looking at cost \$24,881.00 and the bed, box hydraulics, plow, etc. will be about \$11,000.00 additional.

HOWARD PEACOCK / EVERETT BENSINK, JUSTICE (report in minute book)

Mr. Bensink said that he and Mr. and Mrs. Peacock had attended the Uniform Court Justice Conference. He said the conference was very informative especially the portion dealing with DWI trials. He said he had received 12 educational credits and gave a list of all the courses he had attended. Mr. Bensink read the court report into the record.

Mr. Peacock agreed that the conference had been well worth attending for the educational value.

BRAD LAWSON, ZONING CEO

Mr. Lawson said permits have slowed down just a little and the Wengerd case has been postponed until 10/18/12. He said he has issued a couple of violations and discussed the condition of the old Palmer (Hazard) home at Woodlawn. He said the banks continue to send the full tax payments (about \$12,000) on the property. He said he has received drawings and an application from Mr. McGraw on the Bootey Bay property.

DAVE LLOYD, STORMWATER PLANNER

Ashville Rain Garden Project

Mr. Lloyd said the information kiosk and sign have been installed. He said the mulch pile has been moved and some oversized rocks have been moved to the rain garden. He said the paperwork will be completed on the project and submitted to the county by the first full week in November. He said he continues to work with Betsy Burgeson on the education and public outreach portion of the project with the aid of Falconer Printing.

Bly Hill Step Down Project

Mr. Lloyd said the project is complete all but the signage and paperwork. He said there hasn't been a hard rain yet to see how well it will work, but hopes it holds off until the grass has a chance to grow and stabilize things. He said the project should be complete in November. He said Mr. Strickland plans to replace both cross pipes on that hill next spring. Mr. Sena said he would like to see the same type of system on the other side of the road. *There was general discussion of the area and the bio-retention area put in at Federico's.*

Cheney's Point Project

Mr. Lloyd said we have received no new permit for clean out from the DEC. He said Dave Wilson indicated we may have to get one yearly but meanwhile they will continue to try for the 5 year cleanout permit. He said they have installed a raised flower bed and he mulched it last week. He said the project is essentially finished except for the yearly clean-out.

NANCY THOMAS, TOWN CLERK (report in minute book)

Mrs. Thomas said she had spoken to Gloria in Julius Leone's office and they are willing to assist us in creating a town identification badge. She said the first step is to get pictures of all those who will need the ID's.

- **MOTION # 142 OF 2012**

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

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SALLY P. CARLSON, SUPERVISOR

- **MOTION # 143 OF 2012**

ON A MOTION MADE BY MR. SENA AND SECONDED BY MR. MCNEILL, THE SUPERVISORS REPORT WAS ACCEPTED AS PRESENTED, UNANIMOUSLY.

- **MOTION # 144 OF 2012**

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

- **MOTION # 145 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.

The meeting was adjourned at 8:22 PM.

*Nancy M. Thomas
Town Clerk*