

**TOWN OF NORTH HARMONY
TOWN BOARD MEETING
MONDAY 2/13/2012 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: Dave Stapleton, Attorney; Everett Bensink / Howard Peacock, Justice; Louis Rieg, Planning Board; Brad Lawson, Zoning CEO; Dan Strickland, Highway Superintendent; Jay Gould, Legislator; Dave Gollus, NYS Deferred Compensation Plan; Clayton & Helen Emick; Vickie Stow, Court Clerk; Lauren Hoyt; Nancy Thomas, Town Clerk

- **PLEDGE**

- **MINUTES 1/9/12:**

- MOTION # 18 OF 2012

ON A MOTION MADE BY MR. MCNEILL AND SECONDED BY MR. STOW THE MINUTES OF THE 1/9/12 TOWN BOARD MEETING WERE ACCEPTED AS PRESENTED BY THE TOWN CLERK. THE MOTION WAS CARRIED UNANIMOUSLY.

- **ANNOUNCEMENTS:**

- **Supervisor's Meeting Thursday, 2/23/12 at Rod and Gun Club 6:00; Dinner at 7:00 PM**

Mrs. Carlson said the topic would be Gas and Oil Fracking with Kim Sherwood speaking.

- **PUBLIC COMMENT:**

- **CORRESPONDENCE:**

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

1. **NYS-DEC REPLACEMENT OF BRIDGE ON STEDMAN-SHERMAN (CR-18)**

Mrs. Carlson said the bridge over Prendergast Creek is scheduled for replacement and advised that it will create some detours for people who use the route.

2. **ACCESS CHANNEL 5** Mrs. Carlson said Access CH5 has provided a list of the numbers of people served (approx. 5,200); the programs provided (213 local programs); and the loan of their services to the public.

3. **CHIPS** - 2011-12) **91,237.00 + 17,629.00 = \$108,866.00**
- 2012-13) **91,243.00 + 17,630.00 = \$108,873.00**

4. **LETTERS REGARDING CHENEY'S POINT BRIDGE – Lynn Smith; Blair Smolder; Brian S. Murray; Mr. & Mrs. Bickle; David Myers**

Mrs. Carlson stated for the record that the letters would be included in the minutes of the meeting. She said basically the letters ask the town to review the idea of closing the bridge and review possibilities for repairing it.

TOWN BOARD

2/13/12 (Pg. 2)

Mr. Strickland said he has had further discussions with Lex Brumagen from the county, and they are willing to give as much help as they can afford with engineering. He said he has more questions for Mr. Brumagen after talking to former Highway Superintendent, Steve Fardink who worked for many years on bridges in the county. He said they discussed that if the railroad ties that currently support the bridge would hold a new bridge they might be able to repair it. He said he has looked for beams at the landfill but currently there are none. He said he is looking at ways to economically repair the bridge.

Mr. Stow suggested checking with county bridge crews for materials from other bridges they repair.

Mr. Strickland said that was a good idea. He said there would still be work that the highway could not do and perhaps that could be contracted out.

Mrs. Carlson said Mr. Smolder had indicated that he had built bridges in Vietnam and he would be glad to talk to Mr. Strickland about the bridge.

5. **NATIONAL FUEL**

6. **CHAUTAUQUA CO. FINANCE – SALES TAX \$146,717.83 (up \$4,957.87)**

7. **MARK RUSS – Advertisement for Family Entertainment**

8. **CHAUTAUQUA CO. FIRE SERVICE NEWSLETTER**

9. **MARY CARNEY**

Mrs. Carlson said Ms. Carney sent a letter requesting the town to support opposition to the expansion of commercial gambling in NYS and requesting their support in asking the state to honor the gaming contract with the Seneca Nation to exclusively operate gaming in a 16 county zone.

Mr. Stow said he believes it would require a Constitutional Convention to change the current law.

Mr. Sena said the letter does not provide enough information for the town to decide whether to support it or not.

Mrs. Carlson said she assumes from the way the letter was written that Ms. Carney works for the Seneca Nation and the matter would be held in abeyance.

- **OLD BUSINESS:**

- **NEW HIGHWAY BUILDING – CHANGE ORDERS #6 Exhaust & #7 Roof Guards**

Mrs. Carlson said there are 2 new change orders for the highway building.

- **CHANGE ORDER #6 – EXHAUST FAN OPENINGS \$1,100.00**

Mr. Strickland said this was for the purchase of the proper metal to frame the truck exhaust structures to bolt to the upper and lower fans.

Mrs. Carlson said it had been discussed but since the amount did not require the bid process they decided it was more cost effective to have the general contractor do the installation while he was still here.

- **CHANGE ORDER #7 – UPGRADE SNOW GUARDS FOR ROOF \$5,753.00**

Mr. Sena said he has a problem with the snow guards for the metal roof and is disappointed that several other items were not bid out according to the procurement policy. He said the drain (Change Order #4) should have been paid for by the engineer as it was his error. He said he has

TOWN BOARD
2/13/12 (Pg. 3)

researched the guards and does not feel those suggested are worth the cost. He said they require yearly maintenance because of expansion and contraction of the nuts and bolts and he feels the epoxy to attach the guard's works best. He said none of the contractors he has spoken with have ever had a problem with the epoxy. He said the extra money could be better spent on something like the bridge.

Mrs. Carlson said that's true except it was the engineer and builders recommendation that the town go with the bars rather than epoxy.

Mr. Sena asked why that hadn't been in the original bid and specs. He asked why it suddenly had to be upgraded.

Mrs. Carlson said her only problem with the article that Mr. Sena provided about epoxy was that the writer sells the product.

Mr. Sena said that Nelson has sold them and installed them for many years and he wouldn't have written the article without that knowledge. He said it just doesn't seem like the others are worth that much extra money in his experience and professional opinion.

Mr. Strickland said Bill indicated they have had problems with the epoxy style holding and staying up. He said one load of snow comes off and the gutters are gone.

Mr. Sena said that's what happened in Sherman but if they are falling off his buildings; he is using the wrong people to attach them.

Mr. McNeill said he had spoken to Ray Miller of ESMR Roof who is in the business and Mr. Miller said he would never use the epoxy. He said his decision was based on those conversations.

Mr. Stow said all it takes is one time for the snow to take one of the gutters off and equipment could be damaged or a person hurt.

Mr. Sena said the same could happen with the other style of attachment. He said these types of large changes and expenses should not happen without at least 2 bids.

Mrs. Carlson said she didn't think the town could put them out to bid since Building Innovations Group were the group whose bid was selected and we cannot go out to re-bid.

Mr. Sena said they should provide us with 2 bids if they want to add additional costs. He said that any extras should be done after the general contractor is done because they get their 5% after everything is all said and done. He said he feels they are playing games with the town and he sees this often in the construction business.

Mr. Stow said there might be a warranty issue if another company installs the roof guards.

Mrs. Carlson said the people who are installing the roof guards are the ones who actually constructed the building. She said that part of this was to keep the building below a cost of \$500,000 so the town would not have to bid out every single part of the building.

- MOTION # 19 OF 2012

MR. WHITNEY MOTIONED TO APPROVE CHANGE ORDER #6 A REQUEST BY THE TOWN TO HAVE BUILDING INNOVATION FRAME ADDITIONAL WALL PENETRATIONS FOR BUILDING VENTILATION EQUIPMENT AT A COST OF \$1,100.00. MR. MCNEILL SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- MOTION # 20 OF 2012

MR. WHITNEY MOTIONED TO APPROVE CHANGE ORDER #7 A REQUEST BY THE TOWN TO UPGRADE THE SNOW RETENTION SYSTEM FROM THE BUILDING MANUFACTURER'S STANDARD AT A COST OF \$5,753.00. MR. MCNEILL SECONDED. MR. WHITNEY, MRS. CARLSON, MR. MCNEILL, MR. STOW, YES; MR. SENA, NO. THE MOTION WAS CARRIED.

TOWN BOARD

2/13/12 (Pg. 4)

- **OLD HIGHWAY BUILDING**

Mrs. Carlson said there had been discussion about keeping the brick portion of the old highway building for use as a welding shop.

Mr. Strickland said that 5 employees said it would be good to save that portion of the building and 2 feel it should be torn down entirely. He said those in favor believe it would be of good use as a “dirty” shop for welding and long term maintenance; it is heated and has water; can be used to store trucks in winter; has two cranes with chain falls that would be very useful.

Mr. Whitney said it appears there is no asbestos in that part of the building.

Mrs. Carlson said the town would still need to address the asbestos that is on the outside of the metal portion of the building.

Mr. Sena said it would be a good idea.

Mr. Stow said the walls would need to be looked at closer for safety reasons.

Mr. Lawson said he would look at it and perhaps Pete Radka who is an engineer might be willing to look at it and give an opinion as well.

There was discussion of the roof condition and which side of the building is older, wood or brick.

Mr. Stow said it would also need to be determined if the gas service agreement can be used for both the new and old buildings.

Mrs. Carlson said if the gas has to be allocated; it should be allocated to the new building. She said there is a problem at the new building. When the guys were digging the new line brought in for the electrical service they had damaged wires and conduits which will have to be repaired.

There was discussion that the repairs may not be so difficult and that this would make it easier to move the box.

It was agreed that a lot of work would need to be done.

- **MOTION # 21 OF 2012**

ON A MOTION MADE BY MR. SENA AND SECONDED BY MR. WHITNEY THE MATTER OF THE DISPOSITION OF THE OLD HIGHWAY BUILDING WAS TABLED FOR FURTHER INFORMATION AND DISCUSSION. THE MOTION WAS CARRIED UNANIMOUSLY.

- **AUDIT OF 2011 JUSTICE COURT BOOKS**

Mrs. Carlson said that she; Mr. McNeill and Mr. Stow have audited the Justice Court books.

- **MOTION # 22 OF 2012**

MRS. CARLSON MOTIONED FOR A SATISFACTORY CONCLUSION TO THE AUDIT OF THE JUSTICE COURT BOOKS FOR 2011. MR. STOW SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **CHENEY’S POINT BRIDGE**

Mr. Sena said he had contacted Kitchner’s about the Cheney Pt. Bridge after seeing a video of the building of a bridge that is all pre-cast. He said they said with an 18’ bridge, a 20’ box culvert, with all the components (guard rails, etc.) shouldn’t cost more than \$50,000.00. He said they indicated that if the county could help with the engineering and DEC permits and drawings could be provided to Kitchner’s perhaps there could be some savings there.

Mr. Stow said the idea is worth looking into.

Mrs. Carlson asked if that might fall under Dave Wilson’s DEC permit for the area.

TOWN BOARD
2/13/12 (Pg. 5)

Mr. Gould said Dave Wilson would have to answer that question. He said he knows it is not a protected stream. He said he had been told many times by a previous DEC employee that it was not their jurisdiction.

Mrs. Carlson said she spoke to someone who issues their permits and they told her it did not fall in their jurisdiction but that she should contact the EPA in Buffalo.

There was discussion of area bridges and how they had been built and the materials used (i.e. steel from 1964 World's Fair, etc). **Mr. Strickland** said if we are repairing and not re-engineering a bridge common sense needs to be used and the town can do whatever it wants.

Mr. Stow asked if the town puts in the 20' culvert, would the county then take over the bridge.

Mr. Gould said that is a good question and he would ask George Spanos of the DPF.

Mr. Strickland said Mr. Fardink had shown him the resolution that states the county would take over any bridge that was 20' or greater in length. He said if the bridge is less than 20', it does not have to be inspected by the state.

Mr. Spinner asked how the box culvert is done.

Mr. Strickland said a new deck is constructed and sits on the existing pilings. He said everything that is visible on the bridge is rotted and needs replacing.

Mr. Spinner asked who would inspect the bridge.

Mr. Strickland said the town would. He said if it could be done that way, it would be a lot less expensive.

Mrs. Carlson asked the Town Clerk to acknowledge the letters received and let those concerned know that the town is still working on a solution to the bridge.

- **NEW BUSINESS:**
- **PESH – LABOR VIOLATIONS**
- VIOLENCE IN THE WORKPLACE

Mrs. Carlson said the town had received and posted the notice of violation from Public Employees Safety and Health (PESH). She said we have corrected the violations by placing covers on 2 outlets and cage covers on all lights in the basement except 2. She said we still need to do training on Violence in the Workplace. She said the Town had developed a Policy on Violence in the Work Place in 2008 and we need to reaffirm it.

- **MOTION # 23 OF 2012**
MR. SENA MOTIONED TO REAFFIRM THE VIOLENCE IN THE WORKPLACE POLICY THAT THE TOWN ADOPTED IN 2008. MR. MCNEILL SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

Mrs. Carlson said she is working on providing the training so that all employees are aware of the policy and so that we are prepared should there be any incident.

Mr. Strickland said Mr. Nelson will be talking about that at the Highway Superintendent's meeting this week.

Mrs. Carlson said she had spoken to Mr. Nelson and he had indicated he would talk to Kurt Gustafson and would get back to her. She said Mr. Stapleton was going to talk to Mr. Gustafson as well.

Mr. Stapleton said he had contacted Mr. Gustafson's office and he was out for the day. He said he had been sent a copy of the county's policy and a copy of the training video that the county uses through a webinar type access so that employees can engage in the training at their convenience.

TOWN BOARD
2/13/12 (Pg. 6)

Mrs. Carlson suggested that a number of the area office staff's could get together and one of the officer's could be hired for an hour to come and answer questions. She said she had contacted Ellicott and he wants \$25 per person to do the training. She said she felt that was costly. She said the training needs to be done by March 7, 2012.

Mr. Stapleton said one of the complaints from the labor department and the regulations calls for a particular employee to become a part of the overall review process and he does not know if the board has appointed an employee to be a part of that process or not.

Mrs. Carlson said she had distributed surveys to the employees at the community building for suggestions as to improvements that they thought needed to be made. She said that should probably be done at the highway as well.

- **HOOR CHANGE FOR TOWN CLERK AND COURT**

Mrs. Thomas said that she and Mrs. Stow had discussed informally changing the Thursday evening hours of the court and clerk offices from 6:00-8:00 PM to 5:00-7:00 PM.

Mrs. Stow said many of the courts no longer have evening hours and others have the same hours as North Harmony and that creates a problem for the attorney's. She said moving the hours back one hour would alleviate the problem.

Mrs. Thomas said the hours would still allow people who work time to get off work and take care of any business they have with the clerk. She said no changes would be made until after tax season and they would probably begin the new hours in May.

Mrs. Carlson said she just wanted everybody to be aware of the proposed change.

- **NYS DEFERRED COMPENSATION PLAN – DAVE GOLLUS, REPRESENTATIVE**

Mrs. Carlson introduced Mr. Gollus and said this is a plan that NYS provides for its public sector employees.

Mr. Gollus said the plan is a 457B for public employees that is a type of cousin to the standard 401K plan. He said you can take money pre-tax (federal and state) from your paycheck and put into the plan and take it out when you retire (no age limit) with no penalties. He said you do not have to take it out when you retire, but must start taking it out when you reach age 70 ½ at which time it is subject to taxes. He said you can invest up to \$17,000 pre tax per year and it does not cost the town anything. It is an entirely employee voluntary program. He indicated that there is a 3 year window before you retire where you can double the \$17,000 to \$34,000 pre tax investment. He gave further information about the plan and stated that the only requirement for the town is to adopt a resolution to allow participation.

Mr. Stow said NYS retirement is not taxable and asked about the money taken out of this plan.

Mr. Gollus said it is taxable income in the year in which it is taken at the prevailing tax rate after the allowable \$20,000 tax free amount from the state. He said that you name beneficiaries just as you do with your retirement income.

Mrs. Carlson said basically all the town needs to do is authorize the establishment of the plan and the bookkeeper would send the payment in accordance to what employees have authorized her to do.

Mr. Gollus said that is correct.

Mr. Stapleton asked why the town needs to be involved.

Mrs. Carlson said because they are our employees and the deduction comes out of their paycheck pre tax.

Mr. Stapleton asked what the towns' legal position is in the process. He said in years past there have been a lot of issues with 403B plans and abuses. He said typically when entities want to offer something like this to employees they become some type of trustee/sponsor for the plan. He said if that is the type of plan the town might be liable. He said there are many issues and there should be some type of non-public work session to review the plan.

TOWN BOARD
2/13/12 (Pg. 7)

Mr. Gollus said the 403B plan had been for the education sector and that has made this plan more popular. He said the education sector can now use both. He said the plan is offered by NYS a not for profit state agency and his group is an administrative agency that handles it for the state. He said he is not a state employee.

Mr. Stapleton said he would review the plan.

- MOTION # 24 OF 2012

MR. WHITNEY MOTIONED TO TABLE A DECISION TO ENTER A RESOLUTION TO ESTABLISH PARTICIPATION IN THE NYS DEFERRED COMPENSATION PLAN UNTIL THE MARCH, 2012 MEETING AND FURTHER STUDY CAN BE DONE. MR. SENA SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- ADJUST PAY SCALE FOR PENNY BEST

Mrs. Carlson said she would like to have some discussion on an adjustment to Penny Best's wages. She said Mrs. Best has a significant amount of responsibilities that are different from what Mrs. Peacock and Mrs. Spas have. She said she would like Mrs. Best's salary to be similar to Mrs. Stow and Mrs. Miller.

Mr. Sena asked if the Clerk's budget would cover a raise.

Mrs. Carlson said Mrs. Thomas had looked at her budget and we may need to transfer funds at the end of the year to cover the raise depending on how many hours she works.

Mrs. Stow said it made her feel a little bad that Mrs. Best would be brought to same pay level as her since she has worked for the town for 13 years. She said she certainly doesn't begrudge Mrs. Best a raise but the amount is a bit much and there should be a little differentiation.

Mrs. Carlson said it is a large raise, but her responsibilities are large also. She said the reason is that she certainly does more than Mrs. Peacock or even Mrs. Yates when she was working there.

Mr. Whitney asked how much of an increase the raise to the level of Mrs. Miller and Mrs. Stow would be.

Mrs. Thomas said it would be a 40% increase.

Mr. Whitney asked if her responsibilities have increased just this year.

Mrs. Carlson said it just suddenly became obvious and she had been remiss in not acknowledging that difference sooner. She said we are talking \$14/HR and Mrs. Best could be making that at McDonalds. She said Mrs. Best had been making \$15/HR cleaning.

Mr. Bensink said he did not feel she should be raised to the level of the Court Clerk because her responsibilities are much greater year round and Mrs. Stow has been here for 13 years. He said he feels that the court clerk is being downgraded.

It was discussed that Mrs. Best and Mrs. Miller have been employed at the town for 6 years.

Mr. Peacock and Mr. Bensink stated that they would hate to lose Mrs. Stow in the court because she does not receive the wages she deserves and the work she does in the court is invaluable.

Mr. Bensink said in fact that Mrs. Stow deserves more than she is currently paid.

Mr. Carlson said then Mr. Bensink should have put that in his budget.

Mr. Bensink said not to worry he would do that next year.

Mr. Sena said this would be the biggest raise we have done and we had compromised with the clerk's salary.

Mrs. Thomas said although her salary was increased by 3%, her budget was not increased. Mrs. Thomas said Mrs. Best certainly deserves a raise.

Mr. Whitney said Mrs. Stow is the chief court clerk and asked if Mrs. Best's position is comparable in hours, responsibility, etc.

TOWN BOARD
2/13/12 (Pg. 8)

Mrs. Carlson said she didn't know; did they want to go \$12 or \$12.50 and asked Mrs. Stow if that would make her happy.

Mr. Sena said this type of action puts everybody on the spot. He said perhaps a compromise can be reached. He said he agreed that Mrs. Best had been overlooked.

Mr. Whitney asked what Mrs. Best's duties are.

Mrs. Thomas said that Mrs. Best is Deputy Town Clerk and Registrar, a notary public and Clerk to the Planning Board. She said Mrs. Best is her right hand. She asked if the motion would be worded to include a raise for the Planning Board duties as well.

Mr. Peacock said Mrs. Best is Deputy Town Clerk, just like Mrs. Peacock and Mrs. Spas are Deputy Court Clerks and a raise should be in line with that. He suggested \$12/HR as a compromise.

Mrs. Carlson said Mrs. Best's responsibilities are far different than Deputy Court Clerks. Mrs. Carlson said that her hours far exceed the Deputy Court Clerks.

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. He said we need to come up with a compromise and move on.

- MOTION # 25 OF 2012

ON A MOTION MADE BY MR. WHITNEY AND SECONDED BY MR. SENA, THE HOURLY RATE OF THE DEPUTY TOWN CLERK / PLANNING BOARD CLERK WAS INCREASED TO \$12.50/HR. THE MOTION WAS CARRIED UNANIMOUSLY.

- BOCES CONSTRUCTION CREW (YEAR-END)

Mrs. Carlson said she would like to make everyone aware that BOCES has done a great deal of work at the new highway building. She said they have done all the framework and partitions for the walls. She said if we were to define the laws of NYS this is probably not allowable but she would like board authorization to do something for the BOCES Class at the end of the year not to exceed \$200.00.

- MOTION #26 OF 2012

ON A MOTION MADE BY MR. WHITNEY AND SECONDED BY MR. STOW THE SUPERVISOR WAS AUTHORIZED TO SPEND AN AMOUNT NOT TO EXCEED \$200.00 ON SOMETHING FOR THE BOCES CONSTRUCTION CLASS FOR THEIR HELP WITH THE NEW HIGHWAY BUILDING. THE MOTION WAS CARRIED UNANIMOUSLY.

- APPOINTMENT OF CONNIE SPAS, DEPUTY COURT CLERK EFF. 2/6/12

- MOTION # 27 OF 2012

ON A MOTION MADE BY MR. WHITNEY AND SECONDED BY MR. STOW, CONNIE SPAS WAS APPOINTED AS DEPUTY COURT CLERK EFFECTIVE 2/6/12 AT AN HOURLY RATE OF \$10.20. THE MOTION WAS CARRIED UNANIMOUSLY.

- NYS AG & MARKETS – Dog Control Officer Inspection Report 1/30/12
- Municipal Shelter Inspection Report 1/30/12

Mrs. Carlson said we had received the report from Ag and Markets on the shelter.

Mrs. Thomas said the Inspector has indicated in both reports that the Officer and Shelter are being operating in a very satisfactory manner.

TOWN BOARD
2/13/12 (Pg. 9)

JAY GOULD, LEGISLATOR

Mr. Gould said the following had occurred in the Legislature at the January meeting:

- Richard Babbage was appointed to the Airport Commission
- New Public Defender, Ned Barone was elected at the meeting and will work directly for the Legislature
- Airport spent \$63,000 out of a \$333,000 grant received in 2009 on maintenance on a hanger building
- BOCES has agreed to have school resource officers again
- They are working with a committee on the County Home and the first meeting will be on Wednesday at 7:30 PM. He said they have contracted with the Center for Government Research to answer questions from the County Home committee. He said these meetings are open to the public.
- He said he had set up committees as Chairman of the Legislature and determined that Audit and Control had not provided training funds for the Coroner's. He said this will be addressed in Audit and Control. He said the coroner's must have a certain numbers of training/education points in order to give testimony in certain courts.

RANDY HOLCOMB, ASSESSOR

Mrs. Carlson said Mr. Holcomb's report indicates that his office is collecting information on new construction and demolition. Grievance day will be Wednesday, 5/23/12, from 4-8:00 PM.

DAN STRICKLAND, HIGHWAY SUPERINTENDENT

Mr. Strickland said they highway has been doing a lot of maintenance work on vehicles. He said he has tires ordered for the loader and he does not intend to replace it this year.

Mr. Sena asked about Bly Hill Road and the Step Project.

Mr. Strickland said Bly Hill needs resurfacing badly but he would prefer to do the Step Project first if spring weather and other conditions permit. He said he and Mr. Lloyd were talking and it will get done this year.

HOWARD PEACOCK / EVERETT BENSINK, JUSTICE'S (Report in Minute Book)

Mr. Bensink read the court report for January, 2012. He added that in 2011 the court collected \$374,987.00 in fines and fees of which the town retained \$148,482.00. He said this was the second highest year of collections the court has ever had (2011 was the highest). He said cases opened in 2011 were 2,812 and cases closed were 2,848.

BRAD LAWSON, ZONING CEO (Report in Minute Book)

Mr. Lawson said there have not been a lot of permits but that is not unusual for January. He said he had a meeting with Don McCord on the Zoning Law and cleaning it up into a more usable form for the public. He said he was happy with the suggestions Mr. McCord made and would like to discuss them further with Mrs. Carlson. He said he and Mr. McCord had agreed that at this point the Property Maintenance Law should be taken off the table and returned to the Planning Board because he feels that there is a compromise that the board might agree with. He said the largest issues they would like to address are definitions for junk (not vehicles), garbage and rubbish that could be incorporated into the law and they would still have the NYS Property Maintenance Law as a standalone law to enforce it if necessary. He said he has sent out 3 or 4 violations and another one will be resolved by May. He said there have been some issues with building without a permit and he is working on those. He said electrical inspectors are very helpful in letting him know about those types of incidents.

DAVE LLOYD, STORMWATER PLANNER

Mrs. Thomas read Mr. Lloyd's report as he was unable to attend the meeting due to illness.

Ashville Rain Garden

Mr. Lloyd had a meeting with Betsy Bergeson of Master Gardener's and they are working on the spring plant order. He indicated they plan to plant at the end of May or first of June. He said he and Mrs. Carlson had met with Tim Barron and they are working on the kiosk sign to be located there.

Cheney Creek Plant Project

Mr. Lloyd said he is checking on trees and plants for spring planting.

Bly Hill Step Project

Mr. Lloyd said the cement blocks have been ordered with some now on site. He said he is getting prices on turf reinforcement mat.

Grants

Mr. Lloyd said he is continuing to pursue grant funding for the following projects: pervious cement, smart ditch, lake weed mat and aeration at the town dock.

NANCY THOMAS, TOWN CLERK (Report in Minute Book)

Mrs. Thomas said the Clerk's office would be satisfying the Town's portion of the Tax Warrant this week. She indicated that of the Adjusted Tax Warrant in the amount of \$3,538,918, full payments in the amount of \$2,850,650 have been made and the balance outstanding is \$688,268.00 (19.45% unpaid). Mrs. Thomas said this is a better overall amount than last year and hopes this is a sign things are getting better for people.

- MOTION # 28 OF 2012
ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. MCNEILL, THE TOWN CLERK'S REPORT WAS ACCEPTED AS PRESENTED AND THE MOTION WAS CARRIED UNANIMOUSLY.

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

- MOTION # 29 OF 2012
MR. STOW MOTIONED THAT THE SUPERVISOR'S REPORT BE ACCEPTED AS PRESENTED. MR. SENA SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

NEW HIGHWAY BUILDING

Mr. Stow said everything has been pretty much discussed previously.

Mr. Sena asked how close it is to completion.

Mr. Stow said everything except the snow catcher.

Mr. Sena asked about the repair to the block wall.

Mr. Stow said it is done but it looks different.

Mr. Sena said he told the contractor he was using the wrong color of grout.

Mr. Strickland said he believes Brian Davis wants to do another walk through next week to make sure everything is done right. He said the BOCES students had done three weeks of work in 3 days.

- **COMMITTEE MEETING FOR VETERAN'S MONUMENT**

Mrs. Carlson said the Veteran's Committee needs to set up a meeting time with Ron Saxton.

TOWN BOARD
2/13/12 (Pg11)

- MOTION # 30 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 # 31 OF 2012
MR. WHITNEY MOTIONED TO PAY THE HIGHWAY FUND VOUCHERS AS AUDITED AND REVIEWED EARLIER. MR. STOW SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **PARKS COMMITTEE**

Mrs. Thomas said she had received a couple of phone calls from people who had bought and paid for the tribute blocks in late summer and fall and she had told them that they would probably be installed in the spring. She said she just wanted to make sure this was not forgotten.

There was discussion about additional blocks the town wants to order (one for Art Thomas) and Mr. Sena said he would like to put one in.

Mrs. Thomas said they have been advertised on the website for some time and she would try to get the Post Journal to do an article.

Mr. Spinner thanked the board and Mr. Strickland for their attention to Cheney Bridge.

- MOTION # 32 OF 2012
ON A MOTION MADE BY MR. SENA AND SECONDED BY MR. STOW THE MEETING WAS ADJOURNED AT 8:40 PM.

Nancy Thomas
Town Clerk

January 23, 2012

*Ms. Sally Carlson
Town of North Harmony
3445 Old Bridge Road
Stow, NY 14785*

Dear Sally,

It crossed my mind to send a copy of the letter below to the Post Journal, but I don't think that it would help to foster a spirit of cooperation that is necessary to amicably deal with the situation.

I wonder what message the Town of North Harmony is trying to convey to property owners who are being affected by the town's decision to close the Cheney Point bridge in August 2011. In a recent mailing which included multiple signatures from the Town of North Harmony to those who own property in the vicinity of the bridge, patience was requested until the town could come up with a satisfactory solution. In the January 19th Post Journal, a North Harmony representative was quoted: "It is expected to cost about \$250,000 to re open the bridge. We just can't afford to spend that much of the highway budget." At a town meeting on January 9, it was said that the \$250,000 was not an actual bid, but was an opinion. Whose opinion? Which is it, patience or a decision based on opinion? As I see it, those lake shore dwellers who have been willing to shoulder much of the tax burden in North Harmony, deserve more than opinions. There's a call to action here for town officials to do their work and provide an informed response and recommendation.

Best regards.

Sincerely yours,

Blair Smoulder

*Blair Smoulder
56 Kamp St.
Warren PA
16365*

Brian S. Murray
3144 Chautauqua Ave.
Ashville, NY 14710

Ms. Sally Carlson
Town of North Harmony
3445 Old Bridge Road
Stow, NY 14785

Dear Sally,

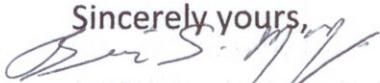
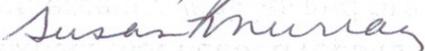
We will be unable to attend the town meeting on February 13th and want to express our concern about the closing of the bridge on Cheney's Point. We have been very patient and now are concerned that this situation is going to continue indefinitely.

Lake property owners have shouldered the burden of high taxes and in return expect that needed repairs be done. Having this bridge closed prevents emergency vehicles and fire engines access to our house quickly and access to Cheney's Point for water for fire is very difficult. Flow of traffic is also impossible causing constant turning around by passersby.

The cost of \$250,000 for repair of the bridge is an opinion. The Town of North Harmony needs to obtain an accurate bid and the town officials need to respond and correct this serious situation.

As always we appreciate your help in this matter and ask that you deliver our letter to the appropriate party.

Sincerely yours,

Brian and Susan Murray

17029 Fernway Rd.
Shaker Heights, OH 44120

February 5, 2012

Town Board - North Harmony

I am writing this letter to let you know that I am very much in favor of repair or replacement of the bridge on Chautauqua Avenue at Cheney Point. I will not be able to attend the town meeting on February 13th but I wanted my voice to be heard on this issue. I feel that the Town Board should explore every option available to make the necessary repairs. I have owned the cottage at 3154 Chautauqua Avenue for over 40 years. During that time I have spent well over \$150000 in maintaining and improving my property. I do not think its too much to ask for the township to devise a plan to restore our bridge. While the options for repair/replacement of the bridge are being explored, I feel that a pedestrian bridge should be constructed.

Sincerely -

David L Myers
973 Millcrest Road
Erie, PA 16509



RECEIVED
2/9/12 max

2929 East Elfinwild Road
Allison Park, PA 15101
February 10, 2012

Town Board
North Harmony Town Hall
3445 Old Bridge Road
Stow, New York 14785

Dear North Harmony Board of Directors,

As residents of Quigley Park, we would like to express our thanks to the Board for your support for repairing or rebuilding the Quigley Park Bridge.

Bill and I live and work in Pittsburgh during the winter months. Work and the weather will not permit us to be present at the meeting on February 13th when work on the Cheney Point Bridge will be up for further discussion. We would like you to know that our absence does not reflect a lack of concern about this important issue for our street. As we indicated in a phone call prior to the last meeting, we feel reopening this bridge to through traffic is both a safety and convenience issue. We appreciate your efforts to continue to explore all creative options including grants, and short and long-range and multi-phase plans for restoring our neighborhood to one continuous community.

Sincerely,

Dr. *William and Donna Bickel*

William and Donna Bickel
3200 Chautauqua Ave.
Ashtville, NY 14710
412 480-2135 (cell)

Dr. *William and Donna Bickel*

My major concern is fire protection. When Burch's place burnt, the first truck to arrive went down to the dry hydrant on the "point" and ran a hose to portable pond set up on the road in front of Burch's place. They pumped water from the point to the pond and another pumper truck fought the fire. While it is still possible to run a hose across the existing bridge and drag it down to a pumper truck at the dry hydrant then run the rest up to our area, how much valuable time would be lost in getting the correct equipment on the correct side of the creek and drag the hose from the creek to the point? We deserve better protection than we have now.

Pete Smith

119 Strayer Dr.
Carlisle, PA
17013

Lynn W. Smith
119 Strayer Drive
Carlisle, Pennsylvania 17013

January 31, 2012

Town Board
Town of North Harmony
Stow, New York 14785

Dear Sally and Town Board -

We will be unable to attend the Board meeting February 13th but want you to know of our continuing concern about the Chautauqua Avenue bridge. First and foremost is the safety concern for all the residents and how response time in an emergency would be affected.

We will be anxious to hear how this issue will be handled — repair or replace — and how soon we can expect to enjoy the safety of an open bridge.

Sincerely,
Lynn W. Smith

Town of North Harmony Supervisor

From: Kimberly Snyder [kgsnyder@gmail.com]
Sent: Monday, February 13, 2012 7:32 PM
To: supervisor@townofnorthharmony.com
Subject: Closed Bridge on Chautauqua Ave.

Hello Sally and Town Board Members,

Leonard & I own property at both 3117 and 3118 Chautauqua Ave., Ashville. The 3117 Address borders on the stream. We are unable to attend tonight's meeting. However we want to express our desire to have the closed bridge over the creek re-opened. We think it is absolutely necessary for everyone's safety! We are on the "far" side of the bridge which would delay any fire engines who use the water from the lake. We also would have to take a longer route to get to WCA Hospital. I have had to be hospitalized there twice.

Please consider all options from repairing, to replacing. I realize money is scarce but there has to be some solution for the re-opening of the bridge.

Sincerely,

Kim & Leonard Snyder

70 Box 975
Rancho Santa Fe, CA 92067

February 5, 2012

Town Board - North Harmony

I am writing this letter to let you know that I am very much in favor of repair or replacement of the bridge on Chautauqua Avenue at Cheney Point. I will not be able to attend the town meeting on February 13th but I wanted my voice to be heard on this issue. I feel that the Town Board should explore every option available to make the necessary repairs. I have owned the cottage at 3154 Chautauqua Avenue for over 40 years. During that time I have spent well over \$150000 in maintaining and improving my property. I do not think its too much to ask for the township to devise a plan to restore our bridge. While the options for repair/replacement of the bridge are being explored, I feel that a pedestrian bridge should be constructed.

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