

**TOWN OF NORTH HARMONY
TOWN BOARD MEETING
MONDAY 8/13/2012 7:00 PM**

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

**PRESENT
PRESENT
PRESENT
PRESENT
PRESENT**

- **PLEDGE**

- **ANNOUNCEMENTS:**

- Greenway Plan meeting 8/23/12 4:30-7 PM at Lakeside Park in Mayville
- Classic Car Show 8/18/12 5:30 PM in Westfield

- **MINUTES 7/9/12**

- **MOTION # 110 OF 2012**

ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. MCNEILL THE MINUTES OF THE 7/9/12 TOWN BOARD WERE ACCEPTED AS PRESENTED BY THE TOWN CLERK, UNANIMOUSLY.

- **PUBLIC COMMENT:**

- **CORRESPONDENCE:**

1. **CHAUTAUQUA CO. DEPT. OF FINANCE – SALES TAX RECEIVED \$145,251.35**

Mrs. Carlson said this figure is up \$6,446.91 from last year, but overall the receipts are down from last year by \$6,967.05.

2. **ASSESSOR – JUNE PROPERTY TRANSFERS**

3. **BENCH STRENGTH PARTNERS – FOIL Request for land lease for cell towers**

Mrs. Thomas said the town had received a FOIL request asking for copies of all contracts for the licensing or lease or rental of town lands for the location of cellular communications equipment. She said she had responded that at this time there are no such facilities located on town owned land in North Harmony.

4. **SUNRISE COVE ASSOCIATION – Copy of letter sent to Legislators (State and County) on Lake Condition**

5. **EV BENSINK / HOWARD & BARB PEACOCK – Request to attend Justice Conference \$542.00 and \$767.00 respectively**

- **MOTION # 111 OF 2012**

MR. WHITNEY MOTIONED TO AUTHORIZE EVERETT BENSINK, HOWARD PEACOCK AND BARB PEACOCK TO ATTEND THE JUSTICE CONFERENCE TO BE HELD AT THE

TOWN BOARD

8/13/12 (Pg. 2)

SYRACUSE UNIVERSITY SHERATON HOTEL, 9/9-12/2012. MR. MCNEILL SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

6. **RONALD G. NEFF – Loomis Bay Covenants, Conditions and Restrictions**

7. **NEWSLETTERS: - ECCB - The Partnership**
- CLCS – Navigator

8. **TIME WARNER CABLE**

9. **SAV SEORA – PHILLIPS LYTTLE – Acknowledgement of Chautauqua County as Lead Agency and Conduct of a Coordinated Review Pursuant to the SEORA for the Development and Implementation of a Submerged Aquatic Vegetation Plan**

- **MOTION # 112 OF 2012**

MR. STOW MOTIONED TO AUTHORIZE THE ACKNOWLEDGEMENT OF CHAUTAUQUA COUNTY AS LEAD AGENCY FOR THE SAV SEORA FOR THE DEVELOPMENT AND IMPLEMENTATION OF A SUBMERGED AQUATIC VEGETATION PLAN. MR. SENA SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

10. Mrs. Carlson said Mr. Peacock had brought information that indicates there are Justice Court grants up to \$30,000.00 available for Court security.

11. **DAVE WILSON, SOIL AND WATER – Meeting 8/27/12 (RSVP 8/22/12) Hultquist Center, Chautauqua Institution 9:00 AM – 3:00 PM, on NYS Regulatory Overview: Permit Highlights; Owner and Professional Obligations; Erosion and Sediment Control at Construction Sites; Stormwater Criteria**

12. **SUNRISE COVE LETTER ADDRESSED TO GREG EDWARDS, COUNTY EXECUTIVE, REGARDING THE WEED PROBLEM ON THE LAKE AND ITS ECONOMIC IMPACT (copy attached to minutes)**

13. **TOWN OF BUSTI – ZONING BOARD OF APPEALS LEGAL NOTICE 8/22/12**

Mrs. Thomas said the notice was for a property owned by Dan Mangione and located at Goose Creek Corp. for the addition of a deck and roof.

- **OLD BUSINESS:**

- **JOHN BREMMER – DOT Acknowledgement of request to study Ashville 4 Corners traffic**

Mrs. Carlson said that the letter indicated that a traffic engineering investigation has been initiated to review the request and the results will be forwarded to the town at the conclusion of the investigation.

- **ASHVILLE BAY ROAD – Blockage of road to emergency vehicle access during fire works**

Mr. Strickland said he could supply cones to indicate no parking; more signs could be put up and current ones could be placed on taller posts; trim weeds around existing signs. He said there are 2 weekends a year when there are real problems, 4th of July and Labor Day.

Mrs. Thomas said the town has no authority over the private section of the road. She said perhaps the property owners there could take turns on these holidays policing the road to prevent parking that blocks emergency access.

Mrs. Miller said she would remind the Fire Department about sending the letter to residents regarding emergency access at their 8/14/12 meeting.

- **CHENEY’S POINT**

Mrs. Carlson said at last month’s meeting we tabled a motion on installing a fence on the town’s property. She said since then 2 buildings have been removed on the Wengerd property. She asked if the town would like to install some type of barrier (i.e. store some highway equipment, materials there during highway work on the bridge to discourage use).

Mr. Sena said they are scheduled for another court appointment in 2 weeks. He said Mr. Wengerd has been ordered to remove the trailer and perhaps the tank for the privy. He indicated a Jersey barrier could be installed to discourage use.

Mr. Freeman said this past week there had been some trouble with area kids driving 4-wheelers around in the area and the Sheriff’s Dept. had been called. He said he had spoken to the parents and a barrier could be used to slow down this type of activity.

Mr. Whitney said if the court case is pending with a date of 8/30/12, the town board would not want to place an obstacle in the way of any further ordered removal action at the property.

Mr. Freeman said he has spoken to Bishop’s Enis Miller and Christ Detwieller regarding the removal of boats, etc. on the property. The Bishop’s indicated to Mr. Freeman that Mr. Wengerd would be the only allowed on the property going forward. He said they were very cooperative and understanding.

After further discussion it was decided that the board would not take further action until after the scheduled court hearing date of 8/30/12.

- **ASHVILLE DAY**

Mrs. Thomas said Ashville Day went very well this year. It was noted that the fireworks display by the Llama Club were spectacular. She said that they fundraise and accept donations all year for the display and encouraged donations by residents. She said there was a band on the Commons and lots of craft vendors.

- **NEW HIGHWAY BUILDING** - **Reels for Water and Air**
- **Alarm System Bids**
- **Ceilings**
- **Lettering**

Mr. Strickland said the reels for water and air had been delivered today. He said they haven’t started work on the ceilings yet, but will be working on them soon. He said he has a friend who does ceiling work and was told the hardest part was the start point.

Mr. Sena said the easiest way to do it is to graph it out.

Mrs. Carlson asked about lettering for the outside of the building. She said the Fire District is going to be doing some lettering on their building and she was going to be given information on that.

Mrs. Miller said she would get the information for Mrs. Carlson at the 8/14/12 Fire District meeting.

- **MOTION # 113 OF 2012**

MR. WHITNEY MOTIONED TO ADVERTISE FOR BIDS FOR AN ALARM SYSTEM AT THE NEW HIGHWAY BUILDING. MR. STOW SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **BUTTS PARK – DUMPING**

Mrs. Carlson asked what the board wanted to do about dumping at the brush dump.

Mr. Sena said he feels that the town should close it off completely for brush dumping with the exception of accepting soil to cover the existing stumps. He said it has been so abused that the material (stumps, etc.) dumped there is killing off the healthy trees and soon we will have just a barren wasteland.

Mr. Stow said we should make it accessible for town use (i.e. highway, cemetery brush). He said we could also use the hydro-seeder to seed grass there.

- **WINONA DRIVE (ROW) SURVEY**

Mrs. Carlson said the Winona Drive ROW survey has been completed. She said she would like for the town to file the deed on it even though it is not specifically outlined. She said it should be kept for an access lane for runoff control, fire department/hydrant use.

- **MOTION # 114 OF 2012**

MRS. CARLSON MOTIONED THAT THE TOWN FILE A QUIT CLAIM DEED ON THE WINONA DRIVE RIGHT OF WAY TO THE LAKE. MR. MCNEILL SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

Mrs. Carlson said she had received 2 letters from Muriel Bramble regarding the cutting done on Winona. She said one is from Jaime Reynolds who indicates that he did some cutting for her during September 2010. The other letter was from Bob Hertz who removed brush from the middle lot on Almar Dr. for Mrs. Bramble who owned the lot. She read the letters into the record (*copies of letters included with minutes*).

Mr. Gibbons said he thinks great progress is being made on the issue. He discussed the issue of guests parking next to his garage and some type of town permitting for that use. He said Councilman Sena had said at last month's meeting that the fire department had indicated that no emergency vehicle would use the ROW to come all the way down to the lake.

Mr. Stow said he did not feel comfortable with that statement without the Chief of the Ashville Fire Department looking over the situation and putting something to that effect in writing.

Mr. Gibbons asked about the possible location of a dry hydrant at the ROW.

Mr. Stow said he did not know if that was still being considered at this time.

Mrs. Carlson said they have not been installing the dry hydrants because the zebra mussels destroy the pipe joints and plug the strainers.

Mrs. Miller said she would be glad to take some type of letter to the 8/14/12 District meeting regarding the matter.

Mrs. Carlson said she would give her a letter to present before the meeting tomorrow evening.

- **WATER MATS AT TOWN DOCK**

Mrs. Carlson said the water mats at the Ferry had bubbled up and they don't know why this happened. She said our dock installer had adjusted them and they are alright now. She said they were going to move them but there was no other good location to put them so they were left at the end of the dock. She said we would see how effective they are at weed control at the end of the season.

- **NEW BUSINESS:**

- **REQUEST TO PUT A BOAT LIFT AT THE TOWN DOCK – Ashville Fire Department**

Mrs. Carlson said she has not received a formal written request from the department yet, but one of the chief's had spoken to her about the town considering letting them put a boat lift at the dock for their new boat.

There was discussion of whose liability the boat and lift would be covered under. Mrs. Carlson said she thought it would be covered by the fire department's insurance. Mrs. Miller said she would check the department's liability policy.

Mr. Stow said we would need to make sure of that and the town should receive a written request from the department.

- **MORATORIUM ON outhouses/PRIVY'S IN THE R-1 DISTRICT**

There was general discussion of the differences between outhouses/privy's and porta-johns and their specific uses as they relate to NYS code.

- **MOTION # 115 OF 2012**

MR. SENA MOTIONED TO ESTABLISH A 6 MONTH MORATORIUM IN THE R-1 DISTRICT ON THE CONSTRUCTION OF PRIVY'S AND SIMILAR STRUCTURES / SEWAGE DEVICES (EXCLUDING TEMPORARY RENTED PORTA-JOHNS THAT ARE REGULARLY MAINTAINED). MR. MCNEILL SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **MOTION # 116 OF 2012**

MR. MCNEILL MOTIONED TO REFER THE MATTER OF PRIVY'S / outhouses TO THE PLANNING BOARD FOR REVIEW AND RECOMMENDATION OF ZONING CHANGES. MR. WHITNEY SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **MAPLE GROVE CEMETERY - Maple tree by fence**
- Sandstone headstones – preservation

Mrs. Carlson said there are maple trees at Maple Grove Cemetery by the fence that need to be removed. She said there are also headstones that need to be repaired or preserved. She said she would like board authorization to get this done. She said we would use Covey's (NYS and County bid) for the tree removal and she would like to get estimates from Jensen Haglund on the headstones.

Mr. Stow asked about replacing the trees that are removed at the cemetery.

Mrs. Carlson said she would like to perhaps replace them with ornamental trees (i.e. Japanese maples).

Mrs. Miller asked if the funds for the repairs would be taken from the old permanent maintenance funds.

Mrs. Carlson said yes, it would have to be.

- **VETERAN'S MEMORIAL – CHAUTAUQUA REGIONAL COMMUNITY FOUNDATION –
Pass through or hold – no fee**
- **SCHEDULE BUDGET MEETINGS**