

**TOWN OF NORTH HARMONY
TOWN BOARD MEETING
MONDAY, 7/8/13, 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; Pierre Chagnon; Louis Rieg; Howard Peacock, Justice; Robin Miller, Bookkeeper; Brad Lawson, Zoning CEO; Dan Strickland, Highway Sup't.; Roger Miller; Dave Stapleton, Attorney; Dave Lloyd, Stormwater Planner; Nancy Thomas, Town Clerk

- **7:00 PM – PUBLIC HEARING, LOCAL LAW 2% TAX CAP OVERRIDE**

Mrs. Carlson opened the Public Hearing at 7:00 PM. She said a large part of the reason for the tax cap override was due to increases in Workman's Compensation. She asked if there were any comments or questions. The hearing was closed at 7:02 PM.

- **REGULARLY SCHEDULED TOWN BOARD MEETING**

- **PLEDGE**

- Moment of Silence for Gary Jensen former Councilman

- **MINUTES 6/10/2013**

- MOTION #71 OF 2013

MR. MCNEILL MOTIONED TO ACCEPT THE MINUTES OF THE 6/10/2013 PUBLIC HEARING AND TOWN BOARD MEETING AS PRESENTED BY THE TOWN CLERK. MR. STOW SECONDED. AYE (5): WHITNEY, STOW, SENA, MCNEILL, CARLSON. NO (0). CARRIED.

- **ANNOUNCEMENTS:**

- **Joint Session: Town Board/Planning Board 6:00 PM, Tues. 7/9/13 (Dinner Meeting)**

Mrs. Carlson said they would be discussing the proposed Stormwater Erosion Control law.

- **Veteran's Committee Meeting: 7/25/13, 10:00 AM**

- **Ashville Day – July 20, 2013**

- **PUBLIC COMMENT:**

Mr. Miller said he has issues with his neighbor Regis Thompson encroaching on his property. He said he has spoken to Mr. Lawson about this. He said Mr. Thompson's fence line is on his property by 1 1/2" on the lakefront. He is concerned that Mr. Thompson might claim possession at some future point. He said he has had his property surveyed at least three times and Mr. Thompson removes the stakes every time.

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Mrs. Carlson said she had discussed the issue with Mr. Stapleton and he has a procedure that Mr. Miller should follow in this instance.

Mr. Miller said Mr. Thompson has also opened up a ROW that had been closed for 30 years and has claimed it as his private driveway. Mr. Miller said he would like clarification if it is a private drive or a ROW.

Mrs. Carlson said Mr. Stapleton suggested that Mr. Miller go to the ZBA and discuss the matter.

Mrs. Thomas said that the ZBA had commented at Mr. Thompson's recent hearing that they did not like to see any ROW obstructed in any way.

• **CORRESPONDENCE:**

1. **NYS – DOT ROUTE 394**

Mrs. Carlson said NYS has written to the town and stated that they do not have the funds to do the work needed on RT. 394, but they may get around to improving the patching that has been done. She said that Mr. Stow had written to Senator Young and she is aware of the situation.

2. **CONCERNED CITIZENS - DUMPSTER**

Mrs. Carlson said the town had received a letter from some concerned citizens about a dumpster in Ashville Bay.

Mr. Lawson said the situation has been addressed and the trash is either compacted or hauled away.

3. **NYMIR – NOTICE OF CLAIM**

Mrs. Carlson asked if anything needed to be done regarding the notice of claim from NYMIR.

Mr. Stapleton said no, it will be handled by defense counsel.

4. **NYS – OFFICE OF REAL PROPERTY SERVICES – Equalization Rate 100%**

5. **JAMESTOWN BUSINESS COLLEGE – NEWS BRIEF**

6. **CORNELL UNIVERSITY – Information on Closing of Training for Highway Superintendents**

Mrs. Carlson said she had written a letter to the University expressing concern about the issue. She said her understanding is that this would not only include superintendent trainings but other local road programs that are offered.

Mr. Stow asked if perhaps JCC could take it over. He also suggested that perhaps they could do regional ones.

Mrs. Thomas suggested they contact Southern Tier West (STW) about programming.

Mr. Gould said he is on the board at STW and would take this information to the next meeting.

7. **ASSESSOR – 2013 MAY PROPERTY TRANSFERS**

• **OLD BUSINESS:**

• **HIGHWAY BUILDING OPEN HOUSE**

Mrs. Carlson thanked Mr. Strickland, the highway employees, council members and Robin and Penny for their help with the open house at the highway building and work done on transfer station stickers. There was general discussion of sticker enforcement and Mr. Sena suggested checking with the Sheriff's department and seeing how much it would cost to have an officer come in randomly several times a year to

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check for compliance. There was also discussion of traffic situations (i.e. ingress, egress) at the station and ways to solve those issues. Mrs. Carlson suggested reversing the order of traffic or moving the truck back so there is more room. Mr. Whitney suggested moving the recycle station and dumpsters to the back so the truck could move even further back. It was suggested that lines on the pavement would also help. There was discussion of where to put the transfer station banner and it was decided the cold storage building is the best location.

- **TRANSFER STATION – COMMITTEE**

Mrs. Carlson said she had thought of naming a Transfer Station Committee, but has decided that it really should be the entire board that works on it and makes recommendations.

- **CEMETERIES - COMMITTEE**

Mrs. Carlson asked for volunteers for this committee. She said Bly Hill and Maple Grove need some major work on the headstones.

Mr. Sena and Mr. Stow volunteered.

Mrs. Carlson said she would contact Steve at Jensen-Haglund and Mr. Sena said he would contact Ms. Rosengard(?) again about stone restoration.

- **CHENEY'S PT. BRIDGE – Complete on 6/26/13 and Open – Congratulations to Dan and the Highway Department**

Mr. Strickland said the final cost for the project materials was around \$53,000.00. This does not include man hours.

- **RESOURCE EXPLORATION BOND**

Mrs. Carlson said Mr. Stapleton has completed the research on the Resource Exploration Bond. Mrs. Carlson asked if the town needed to pass a resolution to return those funds. She said these funds were put up as a bond for damages to town roads many years ago and those funds have been in a CD and collecting interest since approximately the late 1970's. She said the town would like to return those funds minus a \$2,000.00 bookkeeping fee for handling all transactions.

- MOTION #72 OF 2013

MR. SENA MOTIONED TO RETURN FUNDS HELD IN BOND (CD) FOR RESOURCE EXPLORATION FOR DAMAGES TO TOWN ROADS ESTABLISHED IN THE LATE 1970'S. FUND AMOUNT TO BE RETURNED OF \$39,426.15, MINUS A \$2,000.00 HANDLING /TRANSACTION FEE FOR THE TOWNS BOOKKEEPING SERVICES. MR. MCNEILL SECONDED. AYE (5): WHITNEY, STOW, SENA, MCNEILL, CARLSON. NO (0). CARRIED.

- **NEW BUSINESS:**

- **LOCAL LAW NO. 2 – 2013 - 2% TAX CAP OVERRIDE**

- MOTION #73 OF 2013

MR. STOW MOTIONED TO ADOPT LOCAL LAW NO. 2-2013, A LOCAL LAW TO OVERRIDE THE 2% TAX CAP LEVY ESTABLISHED IN MUNICIPAL LAW § 3-C FOR THE 2014 BUDGET YEAR. MR. WHITNEY SECONDED. AYE (5): WHITNEY, STOW, SENA, MCNEILL, CARLSON. NO (0). CARRIED.

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- **FISCAL STRESS SUMMARY – N. HARMONY – NO DESIGNATION STRESS LEVEL**
22.5%

Mrs. Carlson said the NYS Comptroller has come up with a new formula to determine fiscal stress on towns. She said there are 2 towns in the County that are considered stressed; Ellicott and Chautauqua. She said the reason for Chautauqua's stress is that money has been set aside for specific uses which cannot be touched in the budget process. There was general discussion of the results.

- **AMISH BOATS BACK AT CHENEY'S PT.**

- **ZONING BOARD OF APPEALS – UPCOMING VACANCY**

Mrs. Carlson said Paul Silzle will be moving to Panama and this will create a vacancy on the ZBA. She said Mrs. Thomas indicated that Michael O'Kelly has expressed interest in serving the town in some capacity. She asked if anyone knows of someone who might be interested to please let us know. She said no decision will be made until Mr. Silzle makes it official.

- **REPORTS:**

JAY GOULD, LEGISLATOR

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

- Local Law on elected officials salaries pulled for further discussion
- Grant for runway lighting at Dunkirk Airport
- Enhanced Police Services – Silver Creek services passed until year end but will be in negotiation
- Second grant received for 17 miles of horse trails from Cockaigne to Cherry Creek (total cost is around \$300,000 with \$180,000 being received so far)
- Off cycle 3% tourism bed tax money went to skating, gymnastics, Dunkirk Lighthouse and Great Lakes Experience.
- Motion against early voting (request 14 days to vote prior to actual election day at 5 pole sites) at a cost of \$30,000

RANDY HOLCOMB, ASSESSOR

Mrs. Carlson said Mr. Holcomb's report indicated there may be some small claims on assessment after the Grievance procedure. She said Mr. Holcomb also advised that the non-taxable land owned by NYS in the town is approximately 5.4% and not the 30% previously reported.

DAN STRICKLAND

Mr. Strickland said the highway will be catching up on patching and oiling.

Mr. Stow said he has issues with the large stone marks in the blacktop on Morley Road.

Mr. Strickland said he will talk with the contractors but they are just shimming.

HOWARD PEACOCK, JUSTICE (copy in Minute Book)

Mr. Peacock read the June Court Report. He said Judge Bensink had expressed concern about the Town Clerk's office using the safe in the court. He said this could cause problems if the Office of Court Administration were to stop in.

Mrs. Thomas said the Clerk's office would make other arrangements. She said they had begun using the court safe after the town offices had been burglarized several years ago.

Mr. Peacock asked why a door had been installed in the court.

Mrs. Carlson said because the Court Clerk had requested it.

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Mr. Peacock said the door is in the way and there are no heat or air conditioning ducts in that room.

Mr. Stow said that is why there are hinges on the door; so you can open it.

Mrs. Carlson suggested he speak to the Court Clerk.

BRAD LAWSON, ZONING CEO (copy in Minute Book)

Mr. Lawson reviewed his report for those present.

DAVE LLOYD, STORMWATER PLANNER

Mitigation Planning

In 2006 I reported 21 flood hazard areas in North Harmony. As of July, 2013, 7.5 of these areas have been mitigated in the town. Ashville Fire Hall, Ashville Bay Road, Quigley Park/Chautauqua Ave., Cheney's Point, Victoria Rd., Fardink Rd., Ramsey Rd., and Longview Ave. which is 50% complete. I have called Emergency Services inquiring about any upcoming meetings and expect a return call on Tuesday.

Dan and I are to meet to go over my research.

Ashville Rain Garden

Caretaking work has been ongoing on the garden and trees. There is a problem with poison ivy in the rock garden and I think I can start cleaning out weeds this week.

Ashville Veteran's Park

Shrubs in front of the bell have been trimmed and the dead bush by the memorial sign was pulled out. Oak tree trimmed and new tree has been mulched.

Mr. Stow asked about the project to stabilize the stream bank by the old AFD building site.

Mr. Lloyd said a grant has been applied for through Soil and Water for that project and we should know by January, 2014 if the grant is funded.

Mr. Sena asked about the Bly Hill project for the opposite side of the road.

Mr. Lloyd said it is the same situation as the stream bank and we should know by January, 2014.

Mr. Sena asked who is responsible for the large pile of gravel that has washed down Bly Hill onto Rt. 394.

Mr. Strickland said the highway would take care of it.

Mr. Lloyd said he had advised Vi Carlson that there would probably be no mitigation on her property because she had dropped her flood insurance many years ago. He said Sheila Saxton has flood insurance but has never collected on it.

There was discussion of what flood insurance does and does not cover. There was also discussion of steps Ms. Saxton has taken to prevent flooding. Mr. Lloyd said he would talk to her.

NANCY THOMAS, TOWN CLERK (copy in Minute Book)

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

- MOTION #74 OF 2013
MR. STOW MOTIONED TO ACCEPT THE TOWN CLERKS REPORT AS PRESENTED. MR. MCNEILL SECONDED. AYE: (4) STOW, WHITNEY, MCNEILL, CARLSON; ABSTAIN:(1) SENA; NAY:(0), CARRIED.

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

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- MOTION #75 OF 2013
MR. STOW MOTIONED TO ACCEPT THE SUPERVISORS REPORT AS PRESENTED. MR. MCNEILL SECONDED. AYE: (4) STOW, WHITNEY, MCNEILL, CARLSON; ABSTAIN: (1) SENA; NAY:(0). CARRIED.
- MOTION #76 OF 2013
MR. WHITNEY MOTIONED TO APPROVE THE GENERAL FUND VOUCHERS IN THE AMOUNT OF \$30,579.54 AS REVIEWED AND AUDITED EARLIER. MR. MCNEILL SECONDED. AYE: (4) STOW, WHITNEY, MCNEILL, CARLSON; ABSTAIN: (1) SENA; NAY:(0). CARRIED.
- MOTION #77 OF 2013
MR. WHITNEY MOTIONED TO APPROVE THE HIGHWAY FUND VOUCHERS IN THE AMOUNT OF \$24,161.19 AS REVIEWED AND AUDITED EARLIER. MR. MCNEILL SECONDED. AYE: (4); STOW, WHITNEY, MCNEILL, CARLSON; ABSTAIN: (1) SENA; NAY(0). CARRIED.
- MOTION #78 OF 2013
ON A MOTION MADE BY MR. MCNEILL AND SECONDED BY MR. SENA AND NONE BEING OPPOSED, THE MEETING WAS ADJOURNED AT 8:15 PM.

Nancy M. Thomas
Town Clerk