

**TOWN OF NORTH HARMONY
TOWN BOARD MEETING
MONDAY 2/11/13 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: Dave Stapleton, Attorney; Howard Peacock / Everett Bensink, Justices'; Brad Lawson, Zoning CEO; Robin Miller, Bookkeeper; Louis Rieg, Planning Board; Nancy Thomas, Town Clerk

- **PLEDGE**

- **MINUTES 1/14/13:**

- **MOTION # 17 OF 2013**

ON A MOTION MADE BY MR SENA AND SECONDED BY MR. STOW, THE MINUTES OF THE 1/14/13, TOWN BOARD MEETING WERE ACCEPTED AS PRESENTED BY THE TOWN CLERK. UNANIMOUSLY.

- **ANNOUNCEMENTS:**

- **BENEFITS FOR ROGER VAILLANCOURT**

- **Raffle Tickets available for fundraiser for Roger Vaillancourt Family – 1st Prize: \$1,000 cash 2nd Prize: side of beef donated by Chris Keefe - Drawing to be held 3/9/13**
- **Vaillancourt Fundraiser April 14, 2013 at Lakewood Legion – Includes food, raffles and music (looking for individuals/businesses willing to donate items/baskets for the Chinese Auction: contact Howard Peacock 789-9842 or Steve Senske 789-5411)**

Mr. Peacock said all of the tickets for the 3/9/13 drawing have been distributed and so far he has received back about \$2,000.00 in sale funds. He said the sales are going very well and he thinks most of the 700 tickets are already sold.

Mr. Sena asked what the latest date was to make a gift basket/donation for the Chinese Auction to be held on 4/14/13.

Mr. Lawson said he did not know what the latest date was, but a large community meeting will be held on 3/9/13, at the fire hall after the raffle ticket drawing. He said probably the sooner the better so they would know how many items they will have and can make arrangements for tables, etc. Mr. Lawson gave a brief update on Roger's status. All agreed to keep him in their prayers.

- **PUBLIC COMMENT:**

- **CORRESPONDENCE:**

1. **NYS ASSEMBLYMAN, MICHAEL KEARNS - Requesting Resolution on Foreclosures**

Mrs. Carlson said we had received a letter from Assemblyman Kearns asking for support on a resolution that would require banks take responsibility and provide towns with information related to foreclosed properties.

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Mr. Sena read the sample resolution into the record.

Mr. Lawson said it is a very good resolution. He said the banks do not do anything to maintain foreclosure properties and in all his years as C.E.O. they have only responded once to his requests by mowing the lawn of a property on Rt. 394. He said there are many of these homes in the town that are in great disrepair.

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• **RESOLUTION # 18-2013**

SUPPORT FOR NYS-CONTACT INFORMATION FOR VACANT STRUCTURES

The following RESOLUTION was adopted by the Town Board of the Town of North Harmony at a regular meeting held on February 11, 2013:

On a motion made by Councilman Richard Sena, seconded by Councilman Duncan McNeill the following was ADOPTED:

AYES #5 Supervisor Sally P. Carlson Councilman Frank Stow
NAYES#0 Councilman Ralph Whitney Councilman Duncan McNeill
 Councilman Richard Sena

Resolved to support New York State regarding the proposed laws concerning contact information for vacant structures.

WHEREAS, vacant abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years; and

WHEREAS, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structures as well as the value of surrounding properties; and

WHEREAS, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

WHEREAS, Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures; and require good faith in obtaining a foreclosure; and

WHEREAS, the Town of North Harmony Town Board supports the passage of said Bills.

NOW THEREFORE, BE IT RESOLVED that the Town of North Harmony hereby supports the passage of said Bills and respectfully requests that the State Representatives who represents constituents in the Town of North Harmony support the passage of said Bills.

Copies of this resolution to be forwarded to Senator Catherine Young, Assemblyman Andrew Goodell, Legislator 19th District Frank Jay Gould; Co-Sponsors of this bill: Senator Patrick Gallivan, Assemblyman, Michael P. Kearns

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I Nancy M. Thomas DO HEREBY CERTIFY, that the foregoing is a true copy of a Resolution passed by the Town Board of the Town of North Harmony at its regular meeting held on 02/11/2013, and members of the Town Board had due notice of said meeting, and further that such resolution has been fully recorded in the Town Clerks books.

In Witness thereof, I have hereunto set my hand this 11th day of February, 2013

Nancy M. Thomas
Town Clerk
Town of North Harmony in the County of Chautauqua, NY

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2. **U.S. SENATOR, CHARLES SCHUMER – Preservation & Access Education and Training Program**
 3. **NYMIR – Inspection Recommendations**
 4. **CHAUTAUQUA CO. MASTER GARDENER’S – Native Landscapes – 3/1/13 at JCC 8 AM – 3 PM \$40**
 5. **TIME WARNER – Rate Changes (up \$5-10)**
Mrs. Carlson brought the rate increase to the attention of those present.
 6. **ASSESSOR – DECEMBER, 2012 PROPERTY TRANSFERS**
 7. **CHAUTAUQUA CO. SALES TAX - \$141,212.23 (-\$5,515.60 for the quarter)**
 8. **PLANNING BOARD MINUTES 1/8/13 / ZBA MINUTES 1/23/13**
 9. **ASSOCIATION OF TOWNS – Copy of Resolution requesting a Moratorium on Wind Power Development**

Mrs. Carlson said this would be addressed at the Annual A.O.T. meeting and suggested that the town wait until that determination is made before taking any action.

10. **TOWN OF ELLERY – Notification of Public Hearing 2/14/13, on Proposed Local Law #2 of 2013 – Landfill Moratorium**

Mrs. Thomas said basically the Town of Ellery is proposing a moratorium on any type of new construction or expansion of the existing solid waste facilities at the Chautauqua County Landfill.

- **OLD BUSINESS:**
- **BOOTEY BAY, LLC- SEQR – Take Lead Agency Status**
- Refer to Planning Board

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Mrs. Carlson said at the 1/23/13 ZBA Hearing Bootey Bay, LLC had been granted variances for both the lot width of 100' (125' required) for the proposed housing development and lot width of 101' (105' required) for the Power Boat Club access to the lake for the second row of homes proposed.

Mr. Stapleton said that currently we do not have a final application for the SEQR. He asked that the record reflect that even though the town may pass a motion to take lead agency status on the SEQR, the time period that the law requires for informing other interested agencies and allowances for their responses may mean that the actual SEQR hearing will not be held for some time.

Mr. Lawson agreed and said that just the storm water planning for Mr. Potter the Engineer takes quite some time to compile.

- **MOTION # 19 OF 2013**

MR. WHITNEY MOTIONED THAT THE TOWN OF NORTH HARMONY TOWN BOARD TAKE LEAD AGENCY STATUS ON THE SEQR FOR THE PROPOSED BOOTEY BAY, LLC HOUSING DEVELOPMENT. FURTHER, MR. WHITNEY MOTIONED THAT THE SITE PLAN BE FORWARDED TO THE PLANNING BOARD FOR REVIEW AND RECOMMENDATION. MR. SENA SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **HIGHWAY BUILDING** **- Asbestos Removal**
 - Well – ground water system
 - Gas tap at old building

Mrs. Carlson said Mr. Strickland could not be at the meeting due to a previous commitment. She asked Mrs. Thomas if a date had been set for the asbestos removal at the old highway building.

Mrs. Thomas said she did not know. She said she had informed Mr. Strickland that he would need to contact Mr. Rauh and Mr. Neeson to schedule a date that would work with his schedule.

Mrs. Carlson said there had been some question on a gas bill received for one of the highway buildings. She said she thought it had been worked out.

Mrs. Thomas said we had received a bill from Atlas Energy for approximately \$1,200.00 in gas use. She said evidently the initial agreement with Atlas for the gas hookup had been for only one building. The addition of the new building to that hookup is not covered under that agreement. She said Mr. Strickland had indicated that he had worked something out with Atlas and the bill should be ignored at this time.

Subsequent to the meeting it was determined that the town would have to pay the bill and future bills until the hookup at the old building is removed.

Mr. Sena asked if anyone had sought additional estimates related to the water system at the highway building.

Mrs. Carlson said not that she was aware of. She asked if anyone wanted to take any action on the previous proposal made at the January meeting.

There was general discussion of the large cost of the previous proposal and a decision that it would be good to have another opinion.

Mr. Stow said he felt that a charcoal filter and softener system would make a big difference in the water and would not be so costly.

Mr. Sena said he would seek a second opinion.

- **BATTERY DISPOSAL – INFO ACQUIRED**

Mrs. Thomas said she had contacted T.J. Pierce who is in charge of recycling at the county landfill. She said Mr. Pierce indicated that lead batteries can go into the landfill. He said the batteries they do want recycled are lithium and cadmium rechargeable batteries which are hazardous but also are recyclable. He said these types of batteries by law can be returned to any store from which they can be purchased.

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- **LICENSE PLATE READER FOR TRANSFER STATION**

Mrs. Carlson said Mr. Stow was unable to find any information on license plate readers. She said she would contact the Sheriff's Department to see if they have any information to share.

- **AUDIT OF 2012 JUSTICE COURT BOOKS**

- **MOTION # 20 OF 2013**

MR. WHITNEY MOTIONED FOR A SATISFACTORY CONCLUSION OF THE JANUARY 17, 2013 AUDIT OF THE 2012 JUSTICE COURT BOOKS. MR. MCNEILL SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **NEW BUSINESS:**

- **CLMC – IMC – NEW COMMITTEE**

Mrs. Carlson said she had handed out copies of the Draft Stormwater Law and the Model Site Plan Law to the town board for review so they are aware of what is being discussed by the IMC. She said there is also discussion of creating a new committee which will have the authority to accept funding. She said she is not sure how that will work out but will keep the board advised.

- **SHERIFFS COURT SECURITY CONTRACT FOR 2013 - \$27.64/HR**

- **MOTION # 21 OF 2013**

MR. SENA MOTIONED TO AUTHORIZE THE SUPERVISOR TO SIGN THE 2013 AGREEMENT WITH THE CHAUTAUQUA COUNTY SHERIFFS OFFICE TO PROVIDE

COURT SECURITY IN THE AMOUNT OF \$27.64/HR NOT TO EXCEED \$6,000.00/YR. MR. STOW SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

• **COUNCILMAN RICHARD SENA – PROPOSED RESOLUTION SUPPORTING THE SALE OF THE CHAUTAUQUA COUNTY HOME**

Mr. Sena asked to address the Board and the Public. He stated he would like to propose two resolutions this evening. The first is in support of the sale of the Chautauqua County Home which is a countywide issue. He stated he feels the time has come to formally support the sale of the county home. He said we need to join our fellow communities that have publicly come forward to support this sale. He said he does not believe that the taxpayers should, or the majorities wish to continue supporting the county home. He said he has not found a person that is against the sale; not a friend or family member, not a fellow church member, not families of his children’s school friends, not fellow co-workers, or business associates. Even local polls are overwhelmingly in favor of the sale. He asked that the Town Board publicly support the sale of the county home.

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The following RESOLUTION was adopted by the Town Board of the Town of North Harmony at a regular meeting held on February 11, 2013;

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• **RESOLUTION # 22 OF 2013**

SUPPORT FOR THE SALE OF THE CHAUTAUQUA COUNTY HOME

On a motion made by Councilman Richard Sena, seconded by Councilman Duncan McNeill the following was ADOPTED:

AYES #5 Supervisor Sally P. Carlson Councilman Frank Stow
NAYES #0 Councilman Ralph Whitney Councilman Duncan McNeill
 Councilman Richard Sena

Resolved to support the sale of the Chautauqua County Home.

WHEREAS, local and countywide polls and the majority of the Chautauqua County Legislature are overwhelmingly in favor of the sale of the County Home; and

WHEREAS, the County Home has become and will continue to be a large burden to the taxpayers;

NOW THEREFORE, BE IT RESOLVED that the Town of North Harmony hereby supports the sale of the Chautauqua County Home.

I Nancy M. Thomas, DO HEREBY CERTIFY, that the foregoing is a true copy of a Resolution passed by the Town Board of the Town of North Harmony at its regular meeting held on 02/11/2013, and members of the Town Board had due notice of said meeting and further that such resolution has been fully recorded in the Town Clerks books.

In Witness thereof, I have hereunto set my hand the 11th day of February, 2013

Nancy M. Thomas
Town Clerk
Town of North Harmony

C: F. Jay Gould
Chairman, Chautauqua County Legislature

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• **COUNCILMAN RICHARD SENA – PROPOSED RESOLUTION IN OPPOSITION TO NYS SAFE ACT GUN LAW**

Mr. Sena said the second resolution is one that has been the daily topic of conversation in his circle of friends and family, the newest gun laws in New York State. He said he believes the hastily, emotionally written, passed in the night without public input law, as written, is wrong and too restrictive. He added that it also interferes with the average law abiding citizen’s freedoms and liberties. He said the law as written, is flawed in so many ways that it even restricts police officers. He said the law has made nearly every firearm owner and virtually everyone he knows a criminal. Limiting the 10 round magazine, or clip (10 round being

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the old law) to 7 rounds is ridiculous. He said this makes even our simple .22 caliber target rifles illegal if we insert more than 7 rounds. Within the year we must sell them out of state or dispose of them without current 7 round magazines or clips available. He said this is only one of the several restrictive items in this law. He said he agrees with the mental health and criminal aspects of the law, the true problem we have in society. He stated that the law as written will do nothing to curb gun violence. An overwhelming number of law enforcement agencies agree as well as thousands of citizens who have signed petitions. He asked that the Town Board of North Harmony oppose Governor Cuomo’s SAFE Act Gun Law legislation and passage as currently written and also requested in addition they denounce the manner in which it was hastily written and “rammed” through without the required 3 day public input period.

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The following RESOLUTION was adopted by the Town Board of the Town of North Harmony at a regular meeting held on February 11, 2013;

• **RESOLUTION # 23 OF 2013**

OPPOSITION TO BILL # S2230-2013 THE SAFE ACT GUN LAW

On a motion made by Councilman Richard Sena, seconded by Councilman Ralph Whitney the following was ADOPTED:

AYES #5	Supervisor <u>Sally P. Carlson</u>	Councilman <u>Frank Stow</u>
NAYES #0	Councilman <u>Ralph Whitney</u>	Councilman <u>Duncan McNeill</u>
	Councilman <u>Richard Sena</u>	

WHEREAS, the SAFE Act Gun Law was hastily, emotionally written in a reactionary fashion and passed in the night without the benefit of public input; and

WHEREAS, the SAFE Act Gun Law as written, is extremely restrictive (even for police officers) and interferes with the average law abiding citizens freedoms and liberties; and

WHEREAS, this law as written, in example, limiting the 10 round magazine clip to 7 rounds makes nearly every firearm owner of a .22 caliber target rifle a criminal; and

WHEREAS, while in agreement with the criminal and mental health aspects of the law, we believe that this law as written does nothing in a meaningful way to curb gun violence;

NOW THEREFORE, BE IT RESOLVED that the Town of North Harmony hereby opposes not only the said Law, but also denounces the way in which it was hastily written and passed without the required 3 day public input period and respectfully requests that the State Representatives who represent constituents in the Town of North Harmony also support opposition of said Law.

Copies of this resolution to be forwarded to Governor Andrew Cuomo, Senator Catherine Young, Assemblyman Andrew Goodell, Chairman of the Legislature, Frank J. Gould

I Nancy M. Thomas, DO HEREBY CERTIFY, that the foregoing is a true copy of a Resolution passed by the Town Board of the Town of North Harmony at its regular meeting held on 02/11/2013, and members of the

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Town Board had due notice of said meeting and further that such resolution has been fully recorded in the Town Clerks books.

In Witness thereof, I have hereunto set my hand this 11th day of February, 2013

Nancy M. Thomas
Town Clerk
Town of North Harmony

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- **JUSTICE EVERETT BENSINK – N.Y.S. PARKING TICKET SURCHARGE**

Mr. Bensink said that there is an issue coming before the NYS Legislature dealing with fines, surcharges and fees. He said currently the standard policy is that any speeding ticket issued for 20 miles or under over the speed limit is reduced by the judge for a non-violation parking ticket and no points are given. He said the parking fine is the only fee collected and there are no surcharges. He said the entire amount of the fine comes back to the township where it was issued. He said the Governor wants to add an \$85.00 surcharge on the parking ticket and that surcharge will go to the state. He said he feels we should send a letter to our legislator in opposition to this law. He said he feels that we will collect less fine money in the long run because out of state people will not bother to send in the larger fine amount. *There was discussion of the fine amounts and license points for various infractions.* Mr. Bensink and Mr. Peacock said they had not read the new law as they have not received anything at this time from the state about it. He asked that the town board pass a motion in opposition to the proposed new surcharge amount on a Reduction to a Parking Violation Ticket.

- **MOTION # 24 OF 2013**

MR. SENA MADE A MOTION IN OPPOSITION TO THE PROPOSED N.Y.S. LAW ATTACHING AN ADDITIONAL SURCHARGE TO A PARKING TICKET VIOLATION FINE. MR. MCNEILL SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **REPORTS:**

RANDALL HOLCOMB, ASSESSOR

Mrs. Carlson said Mr. Holcomb sent a report indicating that the majority of the revaluation has been completed and notices will be mailed out. Informal hearings will be held in March and April at the Assessor's office in Mayville. He indicated that dates and times will be available at the office and appointments by phone will be arranged for property owners not able to make it in person.

HOWARD PEACOCK / EVERETT BENSINK, JUSTICE (Copy in Minute Book)

Mr. Bensink read the court report for the month of January, 2013. He said fine amounts are down because of a feud between the Sheriffs Dept. and the NYS Police. He said the NYS Police do not want the Sheriffs Dept. on I-86 giving out tickets.

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BRAD LAWSON, ZONING CEO (Copy in Minute Book)

Mr. Lawson said he has received one permit for a new home in Quigley Park and another one for a new home on Winona. He said the Wengard case is scheduled for trial and the only step left is securing a date for the trial.

NANCY THOMAS, TOWN CLERK (Copy in Minute Book)

Mrs. Thomas gave a brief report on 2013 Tax Collection.

Original Warrant	\$3,528,063.71
Full Payments	<u>-\$2,175,654.79</u>
Taxes Outstanding	\$1,352,408.92

- **MOTION # 25 OF 2013**
ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. SENA, THE TOWN CLERKS MONTHLY REPORT WAS ACCEPTED AS PRESENTED UNANIMOUSLY.

- **MOTION # 27 OF 2013**
ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. SENA, THE SUPERVISORS MONTHLY REPORT WAS ACCEPTED AS PRESENTED UNANIMOUSLY.

- **MOTION # 28 OF 2013**
MR. WHITNEY MOTIONED TO PAY THE GENERAL FUND VOUCHERS IN THE AMOUNT OF \$121,496.00 AS REVIEWED AND AUDITED EARLIER. MR. MCNEILL SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **MOTION # 29 OF 2013**
MR. WHITNEY MOTIONED TO PAY THE HIGHWAY FUND VOUCHERS IN THE AMOUNT OF #24,058.56 AS REVIEWED AND AUDITED EARLIER. MR. MCNEILL SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **MOTION # 30 OF 2013**
ON A MOTION MADE BY MR. SENA, SECONDED BY MR. STOW, AND NONE BEING OPPOSED, THE MEETING WAS ADJOURNED AT 7:40 PM.

Nancy M. Thomas
Town Clerk