

**TOWN OF NORTH HARMONY
TOWN BOARD MEETING
MONDAY, 6/10/13, 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: Randy Holcomb, Assessor; Jay Gould, Legislator; Pierre Chagnon; Remington Whitcomb, P.J.; Dave Wilson; Louis Rieg; Joe Bergen; Nancy Barger; Howard Peacock, Justice; Robin Miller, Bookkeeper; Clayton & Helen Emick; Nancy Thomas, Town Clerk

- **6:45 PM – Public Hearing – Amend Local Law on Grievance Day Date**

Mrs. Carlson brought the Public Hearing to order at 6:45 PM. She said this Local Law was an amendment/replacement for Local Law No. 1-1990 and would effectively change the date of Grievance Day to comply with NYS requirements. She read the proposed Local Law for those present. She said the new date for the Board of Assessment Review for the Town of North Harmony will be established as *the next Wednesday following the 4th Tuesday of May each year and thereafter as may be necessary to discharge its duties*. Mrs. Carlson asked if there were any comments regarding the law.

Mrs. Carlson adjourned the hearing at 6:47 PM.

- **6:55 PM – SEQR and Public Hearing Local Law on Site Plan Review and Stormwater Regulations**

Mr. Sena said that he would like to move that the SEQR and Public Hearing for the above proposed Local Law be tabled due to review time constraints on proposed changes by Attorney Stapleton which the board had just received. He said tomorrow night is the Planning Board meeting which he typically attends and he would also like them to review the proposed changes. He said he would personally like to have an additional month to review this document due to its extensive nature.

- MOTION #56 OF 2013
MR. SENA MOTIONED TO TABLE THE SEQR AND PUBLIC HEARING ON THE PROPOSED LOCAL LAW ON SITE PLAN REVIEW AND STORMWATER REGULATIONS DUE TO REVIEW TIME CONSTRAINTS ON PROPOSED CHANGES. MR. MCNEILL SECONDED.
AYE(5): WHITNEY, STOW, SENA, MCNEILL, CARLSON. NAY(0). CARRIED.

- **7:00 PM - TOWN BOARD MEETING**

- **PLEDGE**

- **MINUTES 05/13/13**

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- MOTION #57 OF 2013
ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. SENA, THE MINUTES OF THE 5/13/13, TOWN BOARD MEETING WERE ACCEPTED AS PRESENTED BY THE TOWN CLERK. AYE (5) WHITNEY, STOW, SENA, MCNEILL, CARLSON. NAY (0). CARRIED.

- **ANNOUNCEMENTS:**
- **ASHVILLE DAY – Saturday 7/20/13 (?)**

Mrs. Carlson said committee volunteers are really needed for Ashville Day and anyone interested should contact Nancy Thomas at 789-3445 x2.

- **Mrs. Carlson** mentioned that Mr. Lawson is not at the meeting because his daughter graduated from BOCES this evening and Mr. Lloyd is absent due to another commitment.

- **PUBLIC COMMENT:**

Clayton Emick – DEC Purchase of Bootey Bay

Mr. Emick asked if the sale of that property to the DEC would make it tax exempt and if that would take it off the tax rolls.

Mrs. Carlson said yes.

Mr. Emick asked if we know how much tax exempt land already exists in the town.

Mrs. Carlson said it is a substantial amount but she does not know the percentage.

Mr. Holcomb said he believes that over 30% of the land in North Harmony is tax exempt.

Mr. Emick asked what the amount of taxes collected on Bootey is.

Mrs. Carlson said it is approximately \$44,000.00.

Mrs. Emick mentioned that the sign has been down on the Regner property for a long time and asked if it has been sold.

Mrs. Carlson said the property is still up for sale but there has been investigation for perhaps putting in trails and doing something different with it. She said we have not received any valid offers on it. She said currently it is tax exempt. She said the Raynor property next door is tax exempt and is being used for town storage.

Nancy Barger – Transfer Station

Ms. Barger said she is not a full time resident in the town, but she owns property here which she rents. She spoke generally about the station and said she had used it recently and could not see any other cars with stickers on them. She said the attendants were always helpful, but she felt they might not be as educated as they need to be on what should and should not be recycled. She said this concerns her as there are current discussions of constructing a new cell at the landfill on the Environmental Committee she is on. She said people seem to be generally unaware of the amount of product that can be diverted from the landfill to recycling. She said Mrs. Thomas had shared that North Harmony has the premiere number of residents who recycle based on tonnage figures. She said there should be a system in place to check these stickers if the town is going to have them. She said transfer station employees informed her that the town is supposed to check the stickers.

Mrs. Carlson said the town board members will be at the station on 6/22/13 to check sticker compliance since we no longer have a police department. She said this will be discussed further in the agenda.

Ms. Barger spoke about the Village of Lakewood going to the Zero Sort method in December, 2012. She encouraged North Harmony to adopt this method. She said this method works very well. There was further general discussion of this method which requires no sorting of recyclable materials. She said there is a website sponsored by Casella that shows how this operates.

Mr. Sena said that North Harmony recycles over 28% of the actual tonnage that comes to the station.

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Ms. Barger said that figure could be much higher and mostly what she had seen not being recycled was plastic. She said North Harmony has the most visible transfer station in the county and this is our opportunity to be ahead of the curve and a model for others.

Mrs. Thomas said that she has reviewed the contract we had previously with Penhollow and now with Casella. She said although she could find nothing in the contract about checking stickers, the bid specifications did include the requirement that the bidder include in the bid the cost of a second employee to check stickers for verification of residency in the town.

There was general discussion of spot checks for stickers and other ways to deter illegal dumping.

Mrs. Emick asked if the security camera is still working.

Mrs. Carlson said no, it had been on the old building which has been demolished. She said we need to find a new location.

Mr. Sena said when our contract expires we will discuss Zero Sort with Casella.

Mr. Stow suggested that perhaps we should charge \$1 per bag of trash for those who do not have stickers. He said if people are turned away we will find the trash dumped on the back roads in town. He said we are looking at the overall picture and trying to do the best job we can. He said we are also looking at plans to restructure the process at the station to make it more safe and efficient.

Ms. Barger said she likes the new sticker idea, but if it is not enforced it means nothing.

Mr. Emick asked if the sign was still on the building.

Mrs. Carlson said major modifications have been discussed including; fencing, changing traffic patterns, etc., but we have not come up with a solid plan yet.

Mr. Whitney said the banner needs to be put back up that indicates "Sticker Required".

• **CORRESPONDENCE:**

1. **NEESON CLARK ASSOCIATES – Asbestos air quality review complete and closeout documentation received**

2. **NYS DEC – Letter expressing interest in purchasing Bootey Bay property with EPF Funds**

Mrs. Carlson indicated that the DEC had sent a letter dated 5/20/13 to the town expressing their interest in purchasing the 28 acre Bootey Bay property owned by John McGraw with Environmental Protection Fund monies and asked the town to make comment regarding the acquisition project. Mrs. Carlson said that one 4,000 sq. ft. parcel next to Sally Bootey's property was already sold to Mr. McGraw's daughter so that could not be included in the DEC purchase.

Mr. Bergen asked if the town has formulated a response to the DEC.

Mrs. Carlson said yes and read the following letter which she indicated had not been approved by the board.

The Town Board of the Town of North Harmony wish to express our opposition to the DEC purchase of the Bootey Bay property. While we can endorse the beneficial aspects of the purchase, it is the last large parcel available for development along the lakefront in North Harmony. You have already acquired two other large parcels, when is enough, enough? The preservation makes sense, but the loss of tax revenue on an additional \$3,000,000 parcel is difficult to stomach when we're being continually faced with increasing costs on all fronts. Do you have any financial formula for tax reimbursement? Why didn't you buy this 3 years ago when it first went up for sale before we spent many additional hours reviewing plans for a housing development?

Mrs. Carlson said this is her opinion and has not yet been endorsed by the board. She said her CLMC "hat" says yes it is a wonderful thing to preserve the natural state to prevent runoff into the lake, but it is the last substantial piece of property on the lakefront.

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Mr. Sena gave a list of areas the state already owns which include several large parcels on the lake in North Harmony.

There was discussion of what the removal of the property would do to the tax rates in the town.

Mr. Whitcomb asked if the town had any authority to block the purchase.

Mrs. Carlson said no. She said we can write and object but it is between the state and the property owner.

Mr. Bergen asked to what extent the town had opportunity to talk to the residents about what they would like and if the town intends to do that.

Mrs. Carlson said no, this would be a board decision. She said individuals have a right to write to the state and either support or oppose the sale. She said she would be glad to give the address to anyone interested in writing.

3. **DAVE STAPLETON – Bond Anticipation Note #2-2013 (BOCES/Sunrise Cove Water)**
4. **LETTER FROM ASHVILLE FIRE DISTRICT – Fire Department use of Town Dock**
 - **Letter from Edwards Ins. re naming Town as co-insured**
5. **LETTER SENT TO NYS-DOT RE CONDITION OF ROUTE 394**
6. **ASSESSOR – APRIL PROPERTY TRANSFERS**
7. **TIME WARNER CABLE – Franchise quarterly payment received \$1,504.10**
8. **CHAUTAUQUA CO. PLANNING – Response to Municipal Referral on Site Plan Review and Stormwater Regulations – “Matter of Local Concern”**
9. **CHAUTAUQUA CO. DEPT. OF INSURANCE – Workman’s Comp Ins. for 2014 \$66,748.59 (up 13%)**
 - **OLD BUSINESS:**
 - **GRIEVANCE DAY LOCAL LAW**
 - **MOTION #58 OF 2013**
MR. STOW MOTIONED TO ADOPT THE FOLLOWING LOCAL LAW NO. 1-2013
ESTABLISHING THE DATE FOR BOARD OF ASSESSMENT REVIEW GRIEVANCE DAY.
MR. MCNEILL SECONDED. AYE (5); WHITNEY, STOW, SENA, MCNEILL, CARLSON. NO
(0). CARRIED.

TOWN OF NORTH HARMONY

LOCAL LAW NO. 1 FOR THE YEAR 2013.

Be it enacted by the Town of Board of the Town of North Harmony, County of Chautauqua and State of New York, as follows:

Section 1. Purpose

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The State of New York has granted the governing body of an assessing unit that employs an assessor who is at the same time employed by another assessing unit, the power to establish a date for the meetings of the Board of Assessment Review other than that provided by State Law.

Section 2. Date Established

The Board of Assessment Review for the Town of North Harmony shall meet on the next Wednesday following the 4th Tuesday of May each year and thereafter as may be necessary to discharge its duties.

Section 3. Effective Date

This Local Law shall become effective on the date it shall be filed in the office of the Secretary Of State.

- **HIGHWAY TRUCK**

Mr. Strickland said he had gone with the Oneida County bid so the truck did not have to be bid through a legal notice. He said they were able to tweak the truck to meet their needs exactly.

Mrs. Carlson asked if he could get something that outlines what Oneida County's bid was including the specifications.

Mr. Strickland said he could get it on line. He said the 2013 International is \$111,937.00 for the cab and chassis. He said Boyle's will be the local dealer. He said Henderson will do the body and box.

- **MOTION #59 OF 2013**

MR. WHITNEY MOTIONED TO ACCEPT THE ONEIDA COUNTY BID PRICE FOR THE PURCHASE OF A 2013 INTERNATIONAL TRUCK FROM BOYLES MOTOR SALES, INC., CAB AND CHASSIS IN THE AMOUNT OF \$111,937.00. MR. STOW SECONDED. AYE (5); WHITNEY, STOW, SENA, MCNEILL, CARLSON. NO (0). CARRIED.

- **HIGHWAY SUPERINTENDENT PICK UP TRUCK**

Mr. Strickland said the truck is 3 years old and still has only 35,000 miles on it. He said currently he can trade it for a 2013 Ford F150 for \$2,450.00 on County bid at Shultz Ford.

- **MOTION #60 OF 2013**

MR. STOW MOTIONED TO TRADE IN THE CURRENT HIGHWAY SUPERINTENDENT TRUCK FOR A 2013 FORD F150 FROM SHULTZ FORD AT A COST OF \$2,450.00 ON COUNTY BID. MR. WHITNEY SECONDED. AYE (5); WHITNEY, STOW, SENA, MCNEILL, CARLSON. NO (0). CARRIED.

- **EMERGENCY SERVICES – Multi-Jurisdictional Hazard Mitigation Plan Meeting**

1. **Monthly Planning Meetings**
2. **Specific info on hazards**
3. **Specific info on assets**
4. **Prioritizing hazards**

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Mrs. Carlson said she, Dan and Dave had attended this meeting held in Mayville. She said this will be an ongoing process and it is really important that the town stay involved so that should we have any kind of disaster we would be prepared for funding and would know the proper procedure.

- **MARKER FOR TREE FOR CATHERINE VAN DER WOUDE AT VETERAN'S PARK**

Mrs. Carlson said the tree had been dedicated on Memorial Day which Mr. Strickland and the highway had kindly planted. She asked for board approval to get a marker for the tree to indicate who it is for and why it is there. She said eventually that park will be the site of our Veteran's Memorial when we get funding for it.

Mr. McNeill said he had spoken to Nancy Gleason and she indicated that Eric Hanson sometimes stays with them when he is in town. Currently he is in Europe. She indicated that Mr. Hanson is very pleased with the tree.

Mrs. Emick asked what the cost of the marker would be.

Mrs. Carlson said it is a bronze marker and will cost approximately \$325.00.

- **MOTION #61 OF 2013**

MR. MCNEILL MOTIONED TO AUTHORIZE THE SUPERVISOR TO PURCHASE A MARKER FOR THE TREE AT VETERAN'S PARK DEDICATED TO CATHERINE VAN DER WOUDE WHO TENDED THE GRAVE OF ELDON HANSON IN BELGIUM. MR. SENA SECONDED. AYE (5); WHITNEY, STOW, SENA, MCNEILL, CARLSON. NO (0). CARRIED.

- **CHENEY'S PT. BRIDGE**

Mr. Strickland said the beams are on and they are waiting for the weather so they can weld them. He said the county will be doing the welding on the beams and the deck.

Mrs. Carlson said they are making great progress on that.

Mr. Strickland said once the welding is done they can blacktop and get things finished. He said he wanted everyone to know what a great job the county has done and they had complimented the town highway department on how professional everything looks.

Mr. Sena asked if the area of the creek above will have to be dug out again.

Mr. Strickland said yes, it is due for a clean out soon. He said currently the towns expenditures on the bridge project are about \$49,000.00 as opposed to the initial amount of \$250,000 that was discussed. He said shared services with the county have really benefited us and we will be giving time back to the county under that agreement.

Mrs. Thomas suggested that he take some photos of the project so they can be put into our next newsletter and the county can be thanked and acknowledged for their help.

- **VETERAN'S MEMORIAL**

- **Cost; Funding; Design; Next Meeting Thurs., 6-20-13, 10:00 AM**

Mrs. Carlson said Rex Tolman will be bringing designs to the next meeting and she will be contacting Steve to get a better idea of the exact cost of the project. She said Mrs. Thomas had gotten donation envelopes from the Community Foundation for the project for those interested.

- **MEMORIAL DAY SERVICE – THANKS**

Mrs. Carlson thanked Mr. Sena for his help. She said it was an amazing day. Charles Raven from Sherman played the Call to Attention, National Anthem and Taps, on the bugle. She said the Lakewood Legion Color Guard was wonderful.

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Mr. Sena said the best part of the service was Mrs. Carlson's grandchildren. He said they did a fantastic job. He said it was great to see the Scouts and so many young people.

- **COPIER BILL FROM AXIOM**

Mr. Stapleton said he and Mrs. Thomas had discussed the bill and would be in communication about it. He said we would like to get some additional information.

- **TRANSFER STATION STICKER ENFORCEMENT**

Mrs. Carlson said the board intends to be at the station on 6/22/13 for the New Highway Building Open House and to check stickers. She said copies of application forms should be available for residents.

- **DCO DOG KENNEL**

Mrs. Carlson said the kennel should be coming Thursday and thanked the Highway Department for getting the site ready for its placement.

- **OLD HIGHWAY BUILDING**

Mr. Stow asked if the old septic tank had been pumped out and filled in.

Mr. Strickland said no, but they will take care of it.

Mr. Stow said the old well needs to be torn out and filled in.

Mr. Strickland said the old well will be done before they blacktop the area. He said he believes the well may be about 60-90' deep and was a 2 pipe jet pump.

Mr. Stow said we should get a quote from Castor.

- **CONDITION OF ROUTE 394**

Mrs. Carlson said she had sent a letter to the DOT in Buffalo regarding the poor condition of Rt. 394 at the site of the overpass. The letter indicated that the patchwork that had been done has done little to address the washboard effect of the road. The letter asks for immediate action. Mrs. Carlson said Mr. Stow had contacted Cathy Young's office. He said he had seen a large chunk of concrete being thrown up by heavy vehicles traveling that section of road. He said Senator Young's representative indicated that they would send someone out to look at the situation. He said he had received a letter dated 6/3/13 from her office indicating they had contacted the DOT in Mayville and although no reconstruction projects are planned for that area, they do plan to do patching.

- **NEW BUSINESS:**

- **LOCAL LAW SITE PLAN REVIEW AND STORMWATER REGULATIONS**

- **COFFEE PURCHASE POLICY (eg. \$10 each year)**

Mrs. Carlson said she wanted to discuss policy as far as using some of the funds from scrap to purchase coffee and materials for the highway building. She said it is taxpayer's money and had been used in the past for coffee, but there had never been any firm policy.

Mr. Sena noted that scrap prices are up.

Mrs. Carlson said the highway employees do a good job of scrapping and it only makes sense to use some portion of that toward the purchase of coffee.

Mr. Sena asked why they don't use petty cash.

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Mr. Strickland said they used to put the scrap money in a can and keep it locked up to purchase coffee, but now those funds are turned in to the bookkeeper and put back into the Highway Fund.

Mr. Stow said he doesn't know if it is legal to purchase coffee out of highway funds. He said it is probably illegal to do that with taxpayer funds.

Mr. Whitney said he believed there was an article in the Towns and Topics magazine about how scrap funds should be handled. Mr. Whitney said the article indicates that proceeds from scrap are to be credited to the DA-2651 account.

Mr. Stow said he believed that when the town had set a scrap policy, it was indicated that the funds would go into an account to be used for the purchase of tools the highway might need. He said he believed that a call to the Comptroller's office would clear up the issue.

Mr. Strickland said he would be happy to purchase the coffee.

- **BLY HILL CEMETERY**

Mrs. Carlson said there are some issues at Bly Hill, Wild Rose and Maple Grove Cemeteries with headstone damage and we are going to need to get quotes on repairing those. She said there is some additional work along the rear of Bly Hill Cemetery where a lot of material has been stored. She said we may need help getting some of that out. She said there is also some type of metal container near the white building on CWC property that someone has left there.

Mr. Rieg said that the shed is a water meter building.

Mrs. Carlson indicated she would contact Jensen Haglund about ways to repair headstones for preservation.

Mr. Sena said he believed there was an article about preserving headstones in the P.J. and he would contact Becky Rosen about this.

- **WILD ROSE STORAGE – ¼ ACRE**

Mrs. Carlson said Mr. Knowlton said it would be good if the town could acquire a ¼ acre next to the cemetery to stack brush, etc. Mrs. Carlson said she will need to contact the property owner about this (Dave and Diane O'Brien).

- **ACTION ON PROPOSED DEC BOOTY BAY PURCHASE**

Mrs. Carlson asked if there was any objection to the letter she proposed to send.

Mr. Sena said he would like Mr. Holcomb to provide the amount of land in the town that NYS currently owns and add that to the letter.

Mr. Stow said we should also request that the state pay at least the town's share of that tax bill for upkeep and some improvements (i.e. boardwalks, signs) so that people could actually go there and enjoy the property. He said there are pathways to state owned land at the Stow property and Tom's Point, but that's it, and it sits there. He said people should be able to go there and enjoy it.

Mrs. Carlson agreed and said it is not even handicap accessible.

Mr. Strickland said he got no help from Bill Parment's office when he had approached them about the old White property. He said other than the Ferry Park there is no place where a family can go have a picnic in our town.

The general consensus was that the state does not maintain what it currently owns in the town.

Mr. Bergen asked if Mr. McGraw had been in contact with the town in any way recently.

Mrs. Carlson said no.

- **FIRE DEPARTMENT USE OF TOWN DOCK**

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Mrs. Carlson said the Fire Department has requested the use of the town dock for their rescue boat and have provided a copy of their insurance from Edwards Insurance naming the town as co-insured.

Mr. Sena asked if they are going to keep it there full time and keep it on a lift.

Mrs. Carlson said yes.

- MOTION #62 OF 2013

MR. SENA MOTIONED TO AUTHORIZE THE ASHVILLE FIRE DEPARTMENT TO HOUSE THEIR RESCUE BOAT ON A LIFT AT THE TOWN DOCK LOCATED AT LIGHTHOUSE PARK. MR. WHITNEY SECONDED. AYE (5); WHITNEY, STOW, SENA, MCNEILL, CARLSON. NO (0). CARRIED.

- PUBLIC HEARING – 2% TAX CAP OVERRIDE

Mrs. Carlson said that Workman's Comp alone would cause us to exceed the 2% tax limit.

- MOTION #63 OF 2013

MR. WHITNEY MOTIONED TO HOLD A PUBLIC HEARING TO OVERRIDE THE 2% TAX CAP ON MONDAY, 7/8/2013, AT 7:00 PM. MR. SENA SECONDED. AYE (5); WHITNEY, STOW, SENA, MCNEILL, CARLSON. NO (0). CARRIED.

There was discussion of rescheduling the public hearing on the proposed Site Plan and Stormwater law and it was determined that no hearing should be rescheduled at this time as there appears to be extensive review required on the changes proposed.

- RE-APPOINTMENT OF ASSESSOR, RANDALL HOLCOMB

Mrs. Carlson said Mr. Holcomb's current 6 year appointment as assessor expires in September, 2013.

- MOTION #64 OF 2013

MR. SENA MOTIONED TO RE-APPOINT RANDALL HOLCOMB TO THE POSITION OF ASSESSOR EFFECTIVE 10/1/2013 – 9/30/2019. MR. MCNEILL SECONDED.

Discussion:

Ms. Barger asked how many areas Mr. Holcomb's office assesses.

Mr. Holcomb said his offices assess for 8 towns and the City of Jamestown and there are 10 full time employees. He said that is about 55% of the county, which includes the entire lake area.

Mrs. Carlson said by doing it this way instead of county wide, significant amounts of money are saved.

Mr. Holcomb said Busti is the lead agency and everyone contracts through them for his services.

Mrs. Carlson said the cost to the town is approximately \$24,000 per year for assessing services.

AYE (5); WHITNEY, STOW, SENA, MCNEILL, CARLSON. NO (0). CARRIED.

- REPORTS:

JAY GOULD, LEGISLATOR

Mr. Gould said the following occurred at the May, 2013 Legislature meeting:

- Reapportionment of District Lines. Mr. Gould said the Board of Elections was supposed to give their comments by the middle of February and they did not make them until the middle of May.

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- Appointments were made
- County Summer hours 8:30 – 4:30 until 8/31/13
- Roger Tory Peterson Institute is now a part of JCC (27 acres)
- Voted to continue .5% sales tax
- 2% Bed Tax – Most of 2% money will go to the watershed for area lakes including Lake Erie.

RANDY HOLCOMB, ASSESSOR

Mr. Holcomb said that Grievance Day 5/29/13, went well and he thanked the town for appointing a temporary member which allowed them to split into 2 boards. He said there were approximately 25 cases and all were notified within 1 week of the decisions. He said they can now go on to Small Claims of Assessment Review if they are single, 1, 2, or 3 family home or a lot that cannot be improved on through zoning. He included the list of grievance cases in his report.

DAN STRICKLAND, HIGHWAY SUPERINTENDENT

Mr. Strickland said they would no longer be holding highway school. He said next year is the last year. He said Ithaca College where it is held said it is no longer in their plan. He said they hope to start a letter writing campaign soon.

HOWARD PEACOCK, JUSTICE (copy in Minute Book)

Mr. Peacock read the court report for May, 2013 for those present.

BRAD LAWSON, ZONING C.E.O. (copy in Minute Book)

Mrs. Carlson gave a brief overview of Mr. Lawson's report.

NANCY THOMAS, TOWN CLERK (copy in Minute Book)

Mrs. Thomas said she had received an e-mail from NYSTCA basically stating that GML §50-e (1) requires the service of a notice of claim upon a town as a condition precedent to filing suit for personal injury and property damage. Typically a notice of claim must be delivered by registered or certified mail to the town clerk, town supervisor or to the town attorney representing the town. She said effective 6/15/13; a person wishing to sue a town has the additional option of serving a notice of claim directly to the Secretary of State who will then forward it to the person designated by the town board to receive the notice of claim from the Secretary of State. She said if the claim is filed with the Secretary of State there is a fee of up to \$250, half of which shall be forwarded to the town provided the town files its certificate of designation by July 14, 2013. Mrs. Thomas said she had discussed this with Mr. Stapleton and a Resolution by the Town Board is required to make it effective.

Mrs. Carlson said it makes sense that the designee be the Town Clerk.

- MOTION #65 OF 2013
MRS. CARLSON MOTIONED THAT THE TOWN BOARD ADOPT THE FOLLOWING RESOLUTION NO. 65 OF 2013 DESIGNATING NANCY THOMAS, IN HER CAPACITY AS TOWN CLERK TO RECEIVE NOTICES OF CLAIM SERVED UPON THE SECRETARY OF STATE BY MAIL AT HER OFFICE LOCATED AT 3445 OLD BRIDGE RD., BOX 167, STOW, NY 14785. MR. STOW SECONDED. AYE (5); WHITNEY, STOW, SENA, MCNEILL, CARLSON. NO (0). CARRIED.

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Resolution No. 65 - 2013, Town of North Harmony

WHEREAS General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

WHEREAS, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate; **Now therefore Be It**

RESOLVED, that the Town Board of the Town of North Harmony, County of Chautauqua designates Nancy M. Thomas in his/her capacity as Town Clerk, to receive notices of claims served upon the Secretary of State by mail at 3445 Old Bridge Rd., Box 167, Stow, NY 14785 and email at townclerk@townofnorthharmony.com.

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013.

- MOTION #66 OF 2013
MR. STOW MOTIONED TO ACCEPT THE TOWN CLERKS REPORT AS PRESENTED. MR. SENA SECONDED. AYE (5) STOW, SENA, WHITNEY, MCNEILL, CARLSON; NAY:(0), CARRIED.

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

- MOTION #67 OF 2013
MR. STOW MOTIONED TO ACCEPT THE SUPERVISORS REPORT AS PRESENTED. MR. SENA SECONDED. AYE (5) STOW, SENA, WHITNEY, MCNEILL, CARLSON; NAY:(0), CARRIED.

COMMITTEE REPORTS:

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PARKS

Mr. Sena indicated that the old trash cans had been removed and either replaced with totes or dumpsters. He said there is no more trash scattered around.

- MOTION #68 OF 2013
MR. WHITNEY MOTIONED TO APPROVE THE GENERAL FUND VOUCHERS IN THE AMOUNT OF \$23,139.97 AS REVIEWED AND AUDITED EARLIER. MR. MCNEILL SECONDED. AYE (5) STOW, SENA, WHITNEY, MCNEILL, CARLSON; NAY:(0).
CARRIED.
- MOTION #69 OF 2013
MR. WHITNEY MOTIONED TO APPROVE THE HIGHWAY FUND VOUCHERS IN THE AMOUNT OF \$33,897.30 AS REVIEWED AND AUDITED EARLIER. MR. MCNEILL SECONDED. AYE (5); STOW, SENA, WHITNEY, MCNEILL, CARLSON; NAY(0).
CARRIED.
- MOTION #70 OF 2013
ON A MOTION MADE BY MR. SENA AND SECONDED BY MR. WHITNEY, THE MEETING WAS ADJOURNED AT 9:15 PM.

Nancy M. Thomas
Town Clerk