

**TOWN OF NORTH HARMONY
TOWN BOARD MEETING
MONDAY 3/11/2013 7:00 PM**

SALLY P. CARLSON, SUPERVISOR	ABSENT
RALPH WHITNEY, COUNCILMAN	PRESENT
FRANK STOW, COUNCILMAN	PRESENT
DICK SENA, COUNCILMAN	PRESENT
DUNCAN MC'NEILL, COUNCILMAN	ABSENT

OTHERS PRESENT: Brad Lawson, Zoning C.E.O.; Dan Strickland, Highway Sup't.; Dave Stapleton, Attorney; Robin Miller, Bookkeeper; Howard Peacock, Justice; Remington Whitcomb, Post Journal; Nancy Thomas, Town Clerk

Mr. Whitney, in his capacity as Deputy Supervisor opened the meeting at 7:00 PM.

- **PLEDGE**

Moment of Silence in memory of Catherina van der Woude who so faithfully tended the WWII grave of area native Elwood Hanson who was KIA in Belgium

- **MINUTES 2/11/13**

- **MOTION # 31 OF 2013**

ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. SENA, THE MINUTES OF THE 2/11/13 TOWN BOARD MEETING WERE ACCEPTED AS PRESENTED BY THE TOWN CLERK, AND THE MOTION WAS CARRIED.

- **ANNOUNCEMENTS:**

- **Plaque from the Graduating Class of John Stow KIA DaNang, Vietnam**

Mr. Whitney said that we now have a plaque hanging in the Town Building in honor of John Stow that was rescued from a basement room by some of the alumni of Chautauqua Central School.

Mrs. Thomas said that when Chautauqua Central School and Mayville School had merged, many of the sports awards and memorabilia from Chautauqua had been placed in a basement room in the old Mayville High School building.

There was general discussion of the alumni trying to find a place to permanently house these items (perhaps the Turner Building).

Vaillancourt Friends –

- **Vaillancourt Fundraiser 1 – 7:00 PM, 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. Whitney noted that Mr. Lawson had won the fundraiser drawing on 3/9/13, for Mr. Vaillancourt and had graciously donated his \$1,000 prize back to the family.

- **PUBLIC COMMENT:**

TOWN BOARD

3/11/13 (Pg. 2)

- **CORRESPONDENCE:**

1. **DAVE STAPLETON, ATTORNEY – Original Title Insurance Policy from First American for 6 parcels donated to town by Ashville Fire District**

Mr. Stapleton said it was just a return of the original \$35,000 Title Insurance from 1st American for the 6 parcels donated by the Fire District.

2. **NYS DEPT. OF LABOR- PESH – Information for Fire Departments and Municipalities re Compliance with Legislation amending Section 27-A requiring risk assessment, equipment and training to address entrapment at elevations**

3. **PLANNING BOARD MINUTES 2/12/13**

Mr. Sena said the Planning Board has been asked to work on residential and cluster development subdivision zoning laws with Mr. McCord. He said they have been looking at the Deerwood development to get some feel for what's there so we can try to tailor the law to our own town's needs. He said the PB is trying to get input from the board and because we have to go by state code they would like something that is pared down to the town's needs and can perhaps rely on the state code beyond that. He said some of the codes are extremely lengthy and complicated.

Mr. Lawson said the PB is also looking at other municipalities' subdivision laws.

Mr. Whitney asked if Mr. McGraw's engineer was at the meeting or if he was still drafting the storm water plan.

Mr. Lawson said he was not at the meeting and said he is probably working on the storm water plan which can take a month to complete.

4. **NYS-DEC – Notice of Complete Application by Sundlov Construction to add a wash plant At Abers Gravel Pit on Fox Road**

5. **NYS SENATOR YOUNG – Letter requesting Resolution by the Town Board designating the Bridge I-86 overpass on Rt. 394 Stow as the “John Stow Vietnam Veterans and MIA Memorial Bridge”**

Mr. Whitney indicated this would be addressed under New Business.

6. **ASSESSOR – JANUARY, 2013 PROPERTY TRANSFERS**

7. **ROY TEITSWORTH, INC. – Check received for sale of Highway Equipment \$8,822.00**

Mr. Strickland said this was for the sale of the Osh Kosh and the one ton truck. He said the one ton was really in bad shape.

8. **NATIONAL GRID – Notification regarding Electric Supply Service Company**

Mr. Whitney said N.G. had advised that the town now has American Power and Gas as their electric supply service provider.

9. **ACCESS CH 5 – “Thank you” for town financial support in 2013 budget**

10. **TIME WARNER CABLE – Change from TW NY Cable LLC to TWC Northeast LLC as franchise owner locally**

TOWN BOARD

3/11/13 (Pg. 3)

Mrs. Thomas said the town was notified by registered letter that they are now a part of Region TWC Northeast LLC.

11. **CHAUTAUQUA LAKE SNOWMOBILE CLUB – Invitation to 2012-13 Landowner Appreciation Party 4/13/13, Sherman Fire Hall 4:30 PM**

Mrs. Thomas said if anyone was interested in attending to let her know and she would RSVP to the Snowmobile Club.

12. **CHAUTAUQUA CO. DEPT. OF SOCIAL SERVICES – Notification to Recreation Departments regarding filing deadlines for Youth Rec State Aid**

Mrs. Thomas said this does not affect the town as we no longer have a Youth Rec Program and do not apply for that funding.

13. **SOUTHERN TIER WEST – Thanking the town for 2013 support
- Eileen Weishan – Retirement**

Mrs. Thomas read the letter from Eileen Weishan, STW, in which she announced her retirement and thanked the town for their participation and support of the STW CAP Program and Local Government Conference. Mrs. Thomas said that Mrs. Weishan has been invaluable to the town in preparing and securing grants for records management as well as providing knowledge in many other areas related to local government. Mrs. Thomas said she would be greatly missed.

• **OLD BUSINESS:**

• **HIGHWAY BUILDING - Time Schedule for Asbestos Removal
- Water System**

Mr. Whitney said we need a time schedule for removing the asbestos and demolishing the old highway building.

Mr. Strickland said he is not in a hurry to demolish the old building. He said when the asbestos is removed they will take down the building.

Mr. Sena asked if he wanted to wait until a little closer to spring to do that.

Mr. Strickland said he is more focused on getting the Cheney Bridge started as soon as the county has time available. He said there is not much left in the building and it will be demolished with the building. He said they will just haul it all away rather than renting a dumpster.

He said that the Town of Busti is interested in the overhead doors and asked if the town wanted to sell them

or perhaps give them to Busti.

Mr. Sena said Busti has been helpful to the town as far as shared services and suggested selling the doors to them for \$1.00.

Mr. Stow said you would not get much more than that out of them for scrap.

Mr. Stapleton said it is surplus and the town could do as it wanted.

Mrs. Thomas said she had contacted Mr. Rauh who had won the bid for the asbestos removal and currently they are in the middle of large job at Jamestown Boilermaker. She said she would contact him again and get a better estimate of when he can do the highway building.

Mr. Whitney said we should let Mr. Rauh know that we would like the job done by May 1, 2013, and ask to be placed on his schedule.

Mrs. Thomas said she would call Mr. Rauh.

TOWN BOARD

3/11/13 (Pg. 4)

- **MOTION # 32 OF 2013**

MR. SENA MOTIONED TO SELL 2 OVERHEAD DOORS FROM THE OLD HIGHWAY BUILDING TO THE TOWN OF BUSTI FOR THE SUM OF \$1.00. MR. STOW SECONDED AND NONE PRESENT BEING OPPOSED, THE MOTION WAS CARRIED.

Mr. Strickland said Tim Card at Town of Harmony is interested in one of the chain fall lifts in the old building. He said he would like to keep one just in case they ever build an A frame and can use it.

- **MOTION # 33 OF 2013**

MR. SENA MOTIONED TO SELL ONE OF THE CHAIN FALL LIFTS AT THE OLD HIGHWAY BUILDING TO THE TOWN OF HARMONY FOR THE SUM OF \$1.00. MR. STOW SECONDED AND NONE PRESENT BEING OPPOSED, THE MOTION WAS CARRIED.

Mr. Whitney asked about the water situation at the new building.

Mr. Sena said he would contact J.T. Services and Culligan Water to get second opinions on a water system.

Mr. Strickland said that Culligan had taken a sample of the water for testing, but it had been taken to Fredonia and the gas in the water had dissipated by the time they tested it.

Mr. Sena said we are just looking at alternatives to the initial proposal.

Mr. Stow asked what type of gas is in the water, natural gas, etc.

Mr. Strickland said the test had not indicated what type of gas it is. He said they had made it clear that they couldn't treat the water until the gas was removed.

Mr. Stow said he doesn't believe it is natural gas or methane because the Senior Citizen building has the same issue with water. He said when you first draw the water it is cloudy, but dissipates within a few minutes.

Mr. Sena said the first proposal seemed very complicated.

Mrs. Thomas said there is also the issue of someone maintaining all of the components and testing constantly.

- **RESOLUTIONS ON THE SAFE ACT GUN LAW AND SALE OF COUNTY HOME**

Mr. Sena thanked Mr. Whitcomb of the Post Journal for the article on the resolutions. He said he

had received a lot of positive feedback. He challenged other communities to do the same. He asked that the firearm exemption forms be made available at the town building for anyone interested in completing them

- **NEW BUSINESS:**

- **Resolution by the Town Board designating the Bridge I-86 overpass on Rt. 394 Stow as the “John Stow Vietnam Veterans and MIA Memorial Bridge”**

Mr. Whitney said the letter to the town from Senator Young was in response to a letter from the Stow family requesting the designation of the bridge as indicated above. He clarified that she is requesting the towns’ concurrence and support of her proposed legislation.

TOWN BOARD
3/11/13 (Pg. 5)

- **MOTION # 34 OF 2013**

MR. SENA MADE A MOTION IN SUPPORT OF THE DESIGNATION OF THE BRIDGE LOCATED ON NEW YORK ROUTE 394 WHICH PASSES OVER STATE HIGHWAY I-86 IN THE HAMLET OF STOW, TOWN OF NORTH HARMONY, AS THE “JOHN STOW VIETNAM VETERANS AND MIA MEMORIAL BRIDGE”. MR. WHITNEY SECONDED. MR. WHITNEY, MR. SENA, MR. STOW; AYE; (MRS. CARLSON, MR. MCNEILL; ABSENT). THE MOTION WAS CARRIED.

- **LOOMIS BAY WATER BAN (due 3/29/13) – Motion to make payment due and renew**

Current Principal Bal.	\$15,995.00		
Principal pmt. Due /29/13	+\$10,009.58	BAN Renewal amount	\$5,985.42
Interest pmt. 3/29/13	+\$ 510.42		
Attorney Fees 3/29/13	+\$ 480.00		
Total pmts. as budgeted	\$11,000.00		

Mr. Stapleton said the BAN renewal amount for 2014 will be at an interest rate of 3.16% as indicated by M&T Bank.

- **MOTION # 35 OF 2013**

MR. SENA MOTIONED TO AUTHORIZE THE SUPERVISOR TO EXECUTE ANY AND ALL DOCUMENTS FOR THE PAYMENT ON THE LOOMIS BAY WATER DISTRICT BAN DUE ON 3/29/13: PRINCIPAL \$15,995.00; PRINCIPAL PAYMENT \$10,009.58; INTEREST PAYMENT \$510.42; ATTORNEY FEE \$480.00; FOR A TOTAL PAYMENT AS BUDGETED FOR 2013 IN THE AMOUNT OF \$11,000.00. FURTHER, TO RENEW THE PRINCIPAL BALANCE OF THE BAN WITH M&T BANK IN THE AMOUNT OF \$5,985.42 AT AN INTEREST RATE OF 3.16% DUE ON 3/28/2014. MR. STOW SECONDED AND NONE PRESENT BEING OPPOSED, THE MOTION

WAS CARRIED.

- **TOWN BOARD OPINION ON REQUEST FOR APPLICATIONS FOR LIQUOR LICENSE BY WOODCREST GOLF COURSE AND STEDMAN CORNER CAFÉ (requesting waiver of 30 day notice requirement)**

Mr. Whitney said the Stedman Corner Café is requesting a liquor license so they can serve alcoholic beverages during meals. He said they indicate they have no intent to operate as a bar. He said the action required by the Stedman Café is a waiver of the 30 notice to the town required by the State which allows the town time to consider the application and make comment to the state.

Mr. Stapleton said the 30 day period is the time allowed by the state for the town to investigate the circumstances of the operation and any impact it may have on the town by that license issuance and give the town the time to respond to the liquor authority with any concerns or conditions etc.

Mr. Lawson indicated before there is more discussion, the board should know that the current operators have not contacted him. He said before they begin any operations as a restaurant, etc. the C.E.O. should be contacted in order that an inspection of the kitchen, suppression system, emergency egress and lighting is performed. He said he is not trying to hold up their progress but they need to be aware there are some rules in this type of operation.

Mr. Whitney asked if the board could grant the waiver pending compliance with the town's zoning codes.

Mr. Sena asked how the granting of the waiver conflicted with the towns zoning.

TOWN BOARD

3/11/13 (Pg. 6)

Mr. Lawson said in previous applications for liquor licenses he has dealt with the owners have to receive occupancy or operating permits from the C.E.O.

Mr. Stapleton asked how the business is operating now (i.e. special permit).

Mr. Lawson said neither the previous or current operators have ever made application to the town for renovations or operations permits.

Mr. Sena said the business has been serving food for at least 15 years.

Mr. Lawson said he understood that, but they had never applied for a liquor permit and that's what brought it to his attention. He said he just wanted to make sure they are following code as any other restaurant business would be required to.

There was further general discussion of the cafe and its previous owners and uses.

Mr. Whitney asked about Woodcrest.

Mrs. Thomas said that they renew a seasonal liquor license every year and their notice to the town is well in advance of the 30 day requirement. She said they are not requesting a waiver, but this is the board's opportunity to address any concerns they may have.

Mr. Stow said he had never heard of any problems at Woodcrest.

- **MOTION # 36 OF 2013**

MR. SENA MOTIONED TO GRANT A WAIVER OF THE 30 DAY NOTICE TO THE TOWN REQUIRED BY NYS FOR THE ISSUE OF A LIQUOR LICENSE TO STEDMAN CORNERS CAFÉ CONDITIONED ON ZONING C.E.O. INSPECTION AND COMPLIANCE WITH BUILDING CODES. MR. STOW SECONDED AND NONE PRESENT BEING OPPOSED, THE MOTION WAS CARRIED.

- **HIGHWAY PURCHASE OF NEW TANDEM AXEL SANDER AND PLOW TRUCK**

Mr. Strickland said he had spoken to Mrs. Carlson about the new truck. He said he had a different plan this year on equipment replacement and has changed his mind on what needs to be done in that regard. He said they have a brine truck that will not pass inspection again this year. He said Truck #1 would move into the brine truck spot and Bryan Stevens would use the new truck. He said there were 3 trucks that were purchased by the town during a 2 year period and now they are all beginning to be in poor shape. He said he had not included enough money in his equipment budget this year which is \$125,000.00. He said the new truck will cost approximately \$190,000-\$205,000.00. He said it would be a tandem axel truck with a stainless steel box, sander and plow wing. He said the last truck we had purchased cost about the same.

Mr. Stow asked if there was anything in Mr. Strickland's budget he could do without.

Mr. Strickland said no.

Mr. Sena asked about purchasing good used equipment.

Mr. Strickland said the trucks get used hard and if you want something that will last 10 years you have to buy new. He said it is an emergency vehicle and it has to work.

There was discussion of replacement schedules for equipment.

Mr. Sena and Mr. Stow agreed that the issue needed more careful consideration.

Mr. Strickland said there are options. He said they would use county bid as the state has not put out a bid for over 2 years. He said the county is using a Kenworth, but he would prefer a Cummins engine.

There was discussion of the different types of trucks and engines and their availability.

Mr. Stow asked where the town would get the \$75,000 plus, for the truck.

Mr. Strickland said typically if you order a truck in the spring you will not get it until November or December. He said they may be willing to wait for the money and it could go into next year's budget.

TOWN BOARD

3/11/13 (Pg. 7)

Mr. Sena asked Mr. Strickland what his equipment replacement need was for 2014 and if he could cut \$75,000 out of his next year's budget.

Mr. Strickland said probably not, but he should have put in for the new truck this year. He said Mrs. Carlson had mentioned that he could use the \$50,000 Contingency Fund for the equipment.

Mrs. Miller indicated there is \$50,000 in a Highway Capital Reserve Fund, not a contingency fund.

Mr. Strickland said his starting point would be Mark Cole at Henderson Equipment. He said he would also speak with a Kenworth representative. He said when he last spoke to Henderson about delivery time for a new truck (cab and chassis) they indicated it is about one month which would mean actual delivery in about 4 months. He said he now has a better idea of the equipment and what future needs will be. He said someone may be interested in purchasing and repairing the old truck and perhaps it could be sold for \$12 - \$15,000.00.

Mr. Sena said he would like to have a firm cost for the truck and know if the dealer would wait until next year for payment, etc.

Mr. Whitney said the board needs to look more closely at this and said Mr. Strickland needs to investigate and provide more information.

Mr. Stow said basically Mr. Strickland needs to provide an equipment replacement plan to the board for the next 2 years.

- **MOTION # 37 OF 2013**

MR. SENA MOTIONED TO TABLE FURTHER DISCUSSION ON THE PURCHASE OF A NEW

HIGHWAY TRUCK UNTIL FURTHER INFORMATION IS GATHERED. MR. STOW SECONDED AND NONE BEING OPPOSED, THE MOTION WAS CARRIED.

- **SALT SHED AT HIGHWAY BUILDING**

Mr. Strickland said the salt shed at the highway building has to be replaced this year. He said Mr. Stow had looked at it with him last spring. He said it is caving in and he is just thankful it made it through this winter.

Mr. Sena said Mr. Strickland would need to start making some phone calls and start the bid process.

Mr. Stow asked if Mr. Strickland had a line item in his budget for that replacement.

Mr. Strickland said no. He said he and Bryan had discussed they could use concrete blocks. He said the one that is there currently cost about \$5,000.00.

There was further general discussion of replacing the building and Mr. Strickland said he would look into it further.

- **CATHERINE VANDERWOUDE – Purchase flowering tree or shrub to plant at town hall in her memory**

There was discussion of where the plant should be located. Suggestions were: Ferry Park since her memorial block is there and Veteran's Park since she had tended the grave of an area Veteran.

Mrs. Thomas said she believed the reason Mrs. Carlson had thought the town hall would be a good spot was because there is access to water and it could be more easily tended.

- **MOTION # 38 OF 2013**

MR. STOW MOTIONED TO AUTHORIZE THE PURCHASE OF A FLOWERING TREE / SHRUB TO BE PLANTED AT A LOCATION IN THE TOWN TO BE DETERMINED, IN MEMORY OF CATHERINA VAN DER WOUDE. MR. SENA SECONDED AND NONE BEING OPPOSED, THE MOTION WAS CARRIED.

TOWN BOARD

3/11/13 (Pg. 8)

- **MOWING BIDS**

- **MOTION # 39 OF 2013**

MR. SENA MOTIONED TO ADVERTISE FOR (1) OR (2) YEAR BIDS FOR THE MOWING OF CERTAIN TOWN PROPERTIES. MR. STOW SECONDED AND NONE BEING OPPOSED, THE MOTION WAS CARRIED.

- **NYS SCHOOL BOARD ASSOCIATION EXECUTIVE BRIEFING 3/5/13**

Mr. Sena said he had attended the meeting at CLCS at which one of the speakers was Tim Kramer, Executive Director of NYS School Boards Association. He said state assistance to CLCS has been cut and there are numerous unfunded mandates, so we should expect higher taxes. He said the unions have initiated law suits against the 2% tax cap and some major decisions will be coming that we should be prepared for. He said 75% all of the state aid is going toward "high needs" schools and this includes introducing health and dental facilities in these schools as well as a \$15,000 stipend for "high performing"

teachers. He said Mr. Kramer is advocating taking some of these “special needs” funds that aren’t being used and giving it to the schools that are being cut.

- **SEPTIC SEMINAR AT BOCES**

Mr. Sena said he had attended part of the meeting and Mr. Stow had stayed for the entire meeting at BOCES. He said the second phase meeting will be held on 4/25/13 at BOCES from 5-8:00 PM. He said the next meeting will concern the creation of sewers.

Mr. Stow said Tom Erlandson and Bob Ichenberger, Engineer, had spoken about future requirements especially on the smaller lakefront lots. He said the County Health Department had spoken about the history of sewer’s on the lake. He said Bill Borea had indicated that one of the topics at the next meeting will concern phosphorus loading in the lake. He said it should be very interesting.

- **REPORTS:**

RANDALL HOLCOMB, ASSESSOR

Mr. Whitney said the notices of assessment have been mailed out.

Mr. Sena said just about everyone he has spoken to has received a 10% increase in their assessed value. He said he is sure Grievance will be busy.

Mrs. Thomas said the notice includes an offer to discuss your assessment informally prior to Grievance by appointment.

Mr. Sena asked if there was a reason for the 10% figure. He said he feels it is safe to say that most people’s assessment rate will not be a true appraisal value.

Mrs. Thomas said the equalization rate is 96% and if a revaluation is only done every 5 years, they are maybe building in the percentage they expect will keep the equalization rate level.

Mr. Whitney said Grievance Day is Wednesday, 5/29/13.

DAN STRICKLAND, HIGHWAY SUPERINTENDENT

Mr. Strickland said he had nothing further to add to his previous comments.

HOWARD PEACOCK, JUSTICE (copy in Minute Book)

Mr. Peacock said he had not found a copy of the report on his desk.

Mrs. Thomas said she had received a copy and it will be placed in the minute book.

TOWN BOARD

3/11/13 (Pg. 9)

Mr. Whitney said he had noticed that of the amounts collected in the last 2 months, the amount the town retains has gone from about 30-33% to about 25%. He said he just noticed that overall we are receiving less funds.

Mr. Sena said previous Justice Reports had included a comparison to last year amounts collected. He said it would be nice to have that feature in the report again.

Mr. Peacock said he would ask Mrs. Stow if she could include that information in the future reports.

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

Mr. Lawson said things are about the same as they were last year at this time. He said a new home has started in Connelly Park and hopefully things would continue to grow this year. He said he had attended school

through his job at Tanglewood Manor and if the town ever gets municipal water he will know a lot about back flow preventers. He said he had looked into Dr. Fritz's building on Rt. 394 and it appears the upstairs will not just be used for storage as he had indicated in his appearance before the Zoning Board of Appeals. He said he has written him a letter and we will see where that goes. He said if it is habitable space, he will have to come back to the ZBA. He said we have not heard anything from Mr. McGraw on the Bootey Bay Project.

NANCY THOMAS, TOWN CLERK (copy in Minute Book)

Mrs. Thomas said she had filed a copy of the Notice of individuals seeking re-election for terms ending 12/31/13, with the Chautauqua County Board of Elections. She gave a brief report on 2013 Tax Collections: Original Warrant \$3,528,063.71; Full Payments made to date \$3,046,950.32; Taxes Outstanding \$481,113.39 (13.6%).

- **MOTION # 40 OF 2013**
ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. SENA, THE TOWN CLERKS MONTHLY REPORT WAS ACCEPTED AS PRESENTED AND THE MOTION WAS CARRIED.
- **MOTION # 41 OF 2013**
ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. SENA, THE SUPERVISORS MONTHLY REPORT WAS ACCEPTED AS PRESENTED AND THE MOTION WAS CARRIED.
- **MOTION # 42 OF 2013**
MR. SENA MOTIONED TO PAY THE GENERAL FUND VOUCHERS AS REVIEWED AND AUDITED EARLIER. MR. STOW SECONDED AND THE MOTION WAS CARRIED.
- **MOTION # 43 OF 2013**
MR. SENA MOTIONED TO PAY THE HIGHWAY FUND VOUCHERS AS REVIEWED AND AUDITED EARLIER. MR. STOW SECONDED AND THE MOTION WAS CARRIED.
- **VETERAN'S COMMITTEE MEETING – THURSDAY 3/14/13 AT 10:00 AM TOWN BLDG.**
- **MOTION # 44 OF 2013**
ON A MOTION MADE BY MR. SENA, SECONDED BY MR. STOW, AND NONE BEING OPPOSED, THE MEETING WAS ADJOURNED AT 8:30 PM.

Nancy M. Thomas
Town Clerk