

**TOWN OF NORTH HARMONY
TOWN BOARD MEETING
MONDAY, 5/13/2013, 7:00 PM**

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

OTHERS PRESENT: Jay Gould, Legislator; Louis Rieg, Planning Board; Brad Lawson, Zoning C.E.O.; Dan Strickland, Highway Sup't.; Dave Lloyd, Storm Water Planner; Dave Stapleton, Attorney; Robin Miller, Bookkeeper; Howard Peacock, Justice; Lynn Smith; Nancy Thomas, Town Clerk

- **PLEDGE**

- **MINUTES 04/08/2013**

- **MOTION # OF 2013**

ON A MOTION MADE BY MR. STOW AND SECONDED BY MR. MCNEILL, THE MINUTES OF THE 4/8/13 BOARD MEETING WERE ACCEPTED AS PRESENTED BY THE TOWN CLERK. AYE (5): STOW, SENA, WHITNEY, MCNEILL, CARLSON; NAY:(0). CARRIED.

- **ANNOUNCEMENTS:**

- Grievance Day: Wed., 5/29/13, 3-8:00 PM, at the Town of Chautauqua Municipal Conference Room, 2 Academy St., Mayville, 14757
- Memorial Day Service: Sunday, 5/26/13 1:30 PM at Veteran's Park, Ashville
- Thanks to Jim Chase for placing the flags at Veteran's Park.
- Town Dock is in at Lighthouse Park

- **PUBLIC COMMENT:**

- **CORRESPONDENCE:**

1. ASSOCIATION OF TOWNS: Membership Certificate and copy of Resolutions submitted to the Governor

2. NYMIR – Insurance Recovery damage to plow on plow truck \$822.95

3. ARC – APPALACHIAN REGIONAL COMMISSION

4. CHAUTAQUA CO. DEPT. OF INSURANCE – Workman's Comp changed from REMSCO To POMCO

5. **NEESON CLARK ASSOC. – Asbestos properly removed at old highway building and closeout documents to follow on completion**
6. **NYMIR – Fix up Time – If you see something that needs to be repaired, LET SOMEONE KNOW**
7. **CHAUTAUQUA CO. SALES TAX - \$133,657.19 (+1,790.51)**
8. **CHUCK DUBOSE - Request**
Mrs. Carlson said Mr. Dubose requested a motion by the board for site acceptance at the Butts Road Town Dump of yard waste. She said we will discuss this during New Business.
9. **NYS – DEPT. OF AG. & MARKETS – Dog Shelter Inspection Report – Services rated satisfactory**
10. **CHAUTAUQUA CO. DIV. OF TAXATION – Certificate of Tax Warrant full Satisfaction**
11. **SARAH NOVAK – Where does North Harmony stand on hydro-fracking at this time**
Mrs. Carlson said this letter expressing concern about the consequences of hydro-fracking would be addressed under New Business.
12. **TOWN CLERK, TOWN OF CHAUTAUQUA – Notification of Public Hearing on Local Law Stormwater Management, Erosion and Sediment Control 5/13/13 at their regular board meeting**

- **OLD BUSINESS:**

- **HIGHWAY – TRUCK BIDS**

Mr. Strickland said he had all the figures for an International Truck from Boyles.

Mrs. Thomas asked if he had any bid specifications as the town would have to advertise.

Mrs. Carlson asked if it came under County Bid.

Mr. Strickland said he could go with county bid, but they are for Kenworth trucks and he would prefer the International. He said Boyle's figures they can get the cost to around \$110,000 for the cab and chassis. Mr. Strickland said he would probably work off the bid submitted by Boyle's for the town of Hanover truck. He said delivery on the International trucks is about 60 days out.

It was discussed that the entire truck including the box, should be bid at the same time even if they are on separate bid specs.

Mr. Stow said he would be glad to be of assistance with the specifications and it was noted that because of the cost of the truck it would have to be competitively bid.

Mr. Strickland said he would have the specifications to the Town Clerk before the end of the week.

- **OLD HIGHWAY BUILDING**

- **Asbestos removal and demolition costs; transfer station security**

Mrs. Carlson said the Highway Department had done a good job on the demolition and removal of the old building.

Mrs. Thomas asked if our contracted mower needed to do any mowing now at the highway building.

Mrs. Carlson said not at this time.

- **NEW HIGHWAY BUILDING**

- **Transfer Station**

Mrs. Carlson said the board has been discussing how the transfer station and area around the new highway building should be laid out with respect to traffic patterns, etc. She said they are open to any suggestions by users.

Mr. Sena said he had recently kicked out someone who was trying to steel scrap metal at the station.

Mr. Stow said if we put up a fence and gates that should slow down that type of activity.

Lynn Smith asked if there had ever been a study done on house by house trash pickup in the town.

Mrs. Carlson said yes, but the cost had been prohibitive for town wide pickup. She said private haulers are available for those who wish to contract.

Mr. Rieg said private haulers at Sunrise Cove were charging about \$30/month per home. He said they had replaced that system with a dumpster that cost \$90 every six months and is emptied every week.

Mr. Stow remarked that the town does one of the best recycling jobs of any town in the county.

- **Water Softener**

Mr. Sena said we had received quotes from both Culligan (\$1,920.00) and JT (\$3,500.00) and indicated that the quotes are not really “apples to apples”. He said the quote from Culligan is for just the water softener and the quote from JT includes an iron filter. He said perhaps we should contact Culligan to get the iron filter included. He said JT had done a used system at his house next to the highway building and overnight the rust, etc. were gone.

There was general discussion of the type of system needed and maintenance.

- **Security / Fencing**

Mrs. Carlson said ADT was supposed to get back to her on some figures for security at the new highway building, but until we know what we are going to do it does not make much sense to get quotes.

Mr. Strickland said conduit has been run by Kohl’s from the new building to the cold storage so there are lines for security and phones. He said they still have to put in an explosion proof light in the shed for the fuel pump.

- **Lettering on Building**

Mr. Strickland said he had not spoken to Rich Jensen about lettering for the building yet. He also suggested using an old “V” plow they have to make a sign and perhaps have Tim Barron letter it. He said the lower corner would be a good place to locate it.

The board thought that would be a good idea versus the lettering on the building.

- **TREE FOR CATHERINE VAN DER WOUDE**

Mrs. Carlson said the Historical Society has raised money for the tree and the town needs to decide where to plant it.

- **MOTION # OF 2013**

MR. WHITNEY MOTIONED TO PLANT THE TREE DONATED BY THE HISTORICAL SOCIETY IN HONOR OF CATHERINE VAN DER WOUDE AT VETERAN’S PARK. MR. SENA SECONDED. AYE (5): STOW, SENA, WHITNEY, MCNEILL, CARLSON; NAY:(0), CARRIED.

- **CHENEY’S PT. BRIDGE**

Mr. Strickland said work on the bridge is going good. He said they hope to start pouring the concrete by the end of the week and once that is done they can start on the beams. He said they are hoping to have it complete by July.

- **VETERAN’S MEMORIAL – Next meeting 5/30/13 at 10:00 AM**

Mrs. Carlson said the Veteran’s Memorial Committee has been discussing the type of memorial we would like and Ron Saxton had brought a sample. She said one of the styles is a concrete pad with black granite markers to include the names of veteran’s on both sides. She said funds could be raised by allowing people to purchase benches.

- **Cost; Funding; Design; Next Meeting 5/30/13**

Mrs. Thomas gave a brief account of funds raised for the Memorial and said she would provide a copy of that to the board members and committee.

- **NEW BUSINESS:**

- **PARK IN ASHVILLE – State contract price not available until 5/23/13 – Pipes for tables are galvanized – 2 tables, 3 benches ordered and highway to assemble**

Mrs. Carlson said the reason she had gone ahead and ordered the tables was because it takes so long to get them built and they should arrive soon.

Mr. Stow asked if they are for the intersection in Ashville. He said there should be a flag pole there also. He also asked if there was a formal name for the park.

Mrs. Carlson said maybe we should have a contest to name the park and she would look into the cost of a flag pole.

- **PAYMENT AND RENEWAL BAN BOCES/SUNRISE COVE WATER DUE 5/17/13**

BAN Principal	\$121,915.00	
Principal pmt. (Sunrise Cove) 5/17/13	\$ 8,000.00	
Principal pmt. (BOCES) 5/17/13	\$ 6,049.91	Int. pmt. 5/17/13 \$4,084.97
BAN RENEWAL AMOUNT	\$107,868.09	Attorney fees \$ 480.00

- **MOTION # OF 2013**

MR. WHITNEY MOTIONED TO AUTHORIZE PAYMENT ON THE BOCES/SUNRISE BAN DUE ON 5/17/13 IN THE FOLLOWING AMOUNT: BAN PRINCIPAL \$121,915.00; PRINCIPAL PMT. SUNRISE COVE \$8,000; PRINCIPAL PMT. BOCES \$6,049.91; INT. PMT. \$4,084.97; ATTORNEY FEES \$480.00. FURTHER, THE SUPERVISOR AND TOWN CLERK WERE AUTHORIZED TO EXECUTE DOCUMENTS TO RENEW THE BAN IN THE PRINCIPAL AMOUNT OF \$107,868.09 AT AN INTEREST RATE OF 3.13%. MR. SENA SECONDED. AYE (5) STOW, SENA, WHITNEY, MCNEILL, CARLSON; NAY:(0), CARRIED.

- **TOWN BUILDING –ELECTRICAL ISSUES**

Mr. Stow said there are a couple of circuits that need to be upgraded in the Courtroom; oven receptacle needs to be rewired; main panel needs to be grounded. He said we had received quotes in the totaling \$1,895.00 from B&W Contracting for the work which includes installing a door in the court; electrical work in kitchen, court and grounding of main service panel; replacing cold water lines in basement with Pex.

Mrs. Thomas thanked the highway department for digging and installing the basement sump pump line.

- **RESOURCE EXPL. BOND RENEWED – EARNED \$90**

Mrs. Carlson said these monies were put up as a bond for the roads many years ago. She said the funds belong to Resource and are being held in a CD that the town cannot use; they are just collecting interest.

Mr. Stapleton said he would contact Resource again about the funds.

- **TAX FORECLOSURE SALE LIST**

Mrs. Carlson said we had received the county tax foreclosure sale list. The list has not been made public yet.

Mr. Gould said the sale will be 6/22/13, but owners have until 6/7/13 to reclaim their property.

- **BUTTS ROAD – YARD WASTE REQUEST**

Mr. Sena said someone had recently dumped at the Butts Road site and **Mr. Strickland** said it appears someone cut the lock on the gate. Ideas discussed were to have the dump open and manned a couple of times a year; using a chipper to recycle the brush and give it away; asking **Mr. Yates** to take brush for recycling twice a year. It was noted that there is a very large amount of wood chips at the highway that National Grid contractors have dumped over the years that no one takes.

Mr. Stow said maybe **Mr. Yates** would be interested in having the chips from the highway.

- **DOG KENNEL – ESTABLISH LOCATION**

Mr. Stow said he had been to three different Amish contractors and gotten prices for a shed style building to use as a stray kennel. He said the low price was \$1,100 with partitions costing \$100. He said NYS wants the 2 dog runs inside to be stainless steel which will cost \$600 for the steel and \$100 to install; rubber mats for the floor at \$168.00. He said delivery, stain and windows would bring the total cost to \$2,518.00.

Mr. McNeill asked how large the shed was.

Mr. Stow said 8'x16' and it will hold 4 animals. He said **Mrs. Grover** is comfortable with the kennel being located at the Mitchell property near the garage. He said some gravel would be needed, and electric could be run from the barn and there is a hose located on the house. He said the State requires that the kennel be sanitary and that is the reason for the stainless steel and rubber mats. **Mr. Stow** said he had spoken to the Ag and Markets inspector and he seemed to be comfortable with the kennel plans. He also noted that the kennel would be on town property so there will be not transfer of liability issues.

There was general discussion of conditions required by the state.

Mrs. Carlson thanked **Mr. Stow** for all his leg work in getting this accomplished to the State's satisfaction.

- **MOTION # OF 2013**

MR. MCNEILL MOTIONED TO LOCATE THE TOWN OF NORTH HARMONY STRAY KENNEL FOR THE DCO AT 3511 RT. 394 (MITCHELL PROPERTY). MR. STOW SECONDED. AYE (5) STOW, SENA, WHITNEY, MCNEILL, CARLSON; NAY:(0), CARRIED.

- **SCHEDULE PUBLIC HEARING – LOCAL LAW AMENDING GRIEVANCE DAY DATE**

- **MOTION # OF 2013**

MR. SENA MOTIONED TO SCHEDULE A PUBLIC HEARING ON A LOCAL LAW TO AMEND THE GRIEVANCE DAY DATE FOR THE TOWN OF NORTH HARMONY ON 6/10/13. MR. STOW SECONDED. AYE (5) STOW, SENA, WHITNEY, MCNEILL, CARLSON; NAY:(0), CARRIED.

- **SEQR AND PUBLIC HEARING ON LOCAL LAW – ADOPTION OF SITE PLAN REVIEW AND STORMWATER REGULATIONS**

Mrs. Carlson said the Planning Board has recommended that the Town Board hold a Public Hearing on the proposed local law outlined above. She said they have been working on these for quite some time.

Mr. Stapleton indicated that the town should complete the County Municipal Referral application for this proposed law.

- **MOTION # OF 2013 AMENDING MOTION # OF 2013**

MR. SENA MOTIONED TO SCHEDULE A PUBLIC HEARING ON A LOCAL LAW TO AMEND THE GRIEVANCE DAY DATE FOR THE TOWN OF NORTH HARMONY ON 6/10/13 AT 6:45 PM. MR. STOW SECONDED. AYE (5) STOW, SENA, WHITNEY, MCNEILL, CARLSON; NAY: (0), CARRIED.

- **MOTION # OF 2013**

MR. WHITNEY MOTIONED TO SCHEDULE A SEQR AND PUBLIC HEARING ON A LOCAL LAW TO ADOPT THE SITE PLAN REVIEW AND STORMWATER REGULATIONS AS RECOMMENDED BY THE PLANNING BOARD, TO BE HELD ON 6/10/13, AT 6:55 PM. MR. SENA SECONDED. AYE (5) STOW, SENA, WHITNEY, MCNEILL, CARLSON; NAY:(0), CARRIED.

- **TOWN ACTION ON HYDRO-FRACKING**

Mrs. Carlson asked if the town board wished to take any action on hydro-fracking at this time. She said the last committee meeting had been in February and they were holding off on a recommendation until more information was compiled.

Mr. Sena said New York State has already banned horizontal hydro-fracking so he is not sure what needs to be discussed at this point. He suggested that the board members watch the film “Frak Nation” to get a better overall picture of opinions.

- **TOWN FIELD NEXT TO AFD**

Mrs. Thomas asked if the town intended to mow at Cheney’s Point again this year. She also asked if the town owned field next to the AFD on Stow Rd. would be maintained.

The board indicated that Cheney’s Point should be mowed and Mr. Stow suggested that perhaps Mr. Spas would be interested in taking the grass off the field for his cows in exchange for liming it in the fall. He said he would speak to Mr. Spas.