

**TOWN OF NORTH HARMONY
TOWN BOARD MEETING
MONDAY 8/12/13 7:00 PM**

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

OTHERS PRESENT: Dave Stapleton, Attorney; Dave Lloyd, Stormwater Planner; Jay Gould, Legislator; Robin Miller, Bookkeeper; Louis Rieg, Planning Board; Lynn Smith; Clayton & Helen Emick; Dan Strickland, Highway Superintendent; Brad Lawson, Zoning C.E.O.; Howard Peacock, Justice; Nancy Thomas, Town Clerk

Mr. Whitney said Mrs. Carlson was unable to be at the meeting due to her husbands' illness. All were requested to keep Bob and the family in their thoughts and prayers during this time. In her absence Mr. Whitney assumed the duties of Deputy Supervisor and chaired the meeting.

- **PLEDGE**

- **MINUTES 7/8/13 & 7/29/13**

- **MOTION # 82 OF 2013**

MR. STOW MOTIONED TO ACCEPT THE MINUTES OF THE 7/8/13 TOWN BOARD MEETING AND THE MINUTES OF THE SPECIAL BOARD MEETING HELD ON 7/29/13 AS PRESENTED BY THE TOWN CLERK. MR. MCNEILL SECONDED. AYE (4); WHITNEY, STOW, SENA, MCNEILL. NO (0). CARRIED.

- **ANNOUNCEMENTS:**

- **BENEFIT FOR TOWN OF NORTH HARMONY VETERAN'S MEMORIAL SPONSORED BY HADLEY HOUSE RESTAURANT: Sunday, September 1, 2013, starting at 1:00 PM; Pig Roast; Bands; Chinese Auction**

Mrs. Thomas invited all to attend and asked for donations for the Chinese Auction. She said all donations could be dropped off at the Town Building.

- **FIREWORKS ON THE BEMUS/STOW FERRY SUNDAY, 9/1/13, SPONSORED BY THE CASINO**

- **PUBLIC COMMENT:**

- **LYNN SMITH**

Mrs. Smith thanked the town for the work done on Cheney's Pt. Bridge. She said the residents had held a bridge party and some of the highway employees had attended. She said the one garden had been

refurbished and there had been another planted on the opposite side of the bridge by neighbors which looks really nice. Mrs. Smith said she had read an article in the P.J. about pushing for sewage along the lake and asked what had to be done to make that happen.

Mr. Whitney said a lot of money would have to be located for that type of project.

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Mr. Stow said at the meeting he had attended at BOCES on the sewer they had discussed three options. He said he believes that Chautauqua Institution is behind this drive for sewer. He said one option was to run the line to the sewer plant in Westfield; option two was to upgrade the plant at the Institution; and three was to pipe it to Celeron. He said no mention was made about hooking anything in between to the line.

Mr. Gould agreed with Mr. Stow's statement.

Mr. Stow said the EPA is developing more stringent rules for effluent and in order for the plant at Chautauqua to reach those parameters a very large investment in equipment, etc. will have to be made. He said hopefully they will see fit to allow hookups. He said contacting your Representatives would be a good idea.

There was a brief discussion of the lack of private sewer inspections. It was also discussed that a lot of the older systems (up to 60%) are not even on file at the County Health Department.

Mr. Sena also mentioned that there had been an editorial in the P.J. about the poor condition of Rt. 394 at the Stow overpass area.

- **CORRESPONDENCE:**

The following correspondence has been received by the Supervisor and is available for review:

1. **CHAUTAUQUA CO. DEPT. OF PLANNING AND ECONOMIC DEVELOPMENT-** Received first copy of *Chautauqua 20/20 Newsletter*
2. **DON MCCORD – FINAL COPY OF PROPOSED LOCAL LAW SITE PLAN REVIEW AND STORMWATER REGULATIONS**
3. **N.Y.S DEPT. OF ENVIRONMENTAL CONSERVATION-** Wetland LW-1 Boundary Delineation (CWC property Loomis Bay)
4. **TIME WARNER CABLE – Statement of Franchise Fees**
5. **CHAUTAUQUA CO. DEPT. OF FINANCE**
 - Sales Tax received 8/2/13 \$142,092.16 (down \$3,159.19 from 2012)
 - Invoice for 2014 Workman's Comp charges \$66,748.59 due 3/1/14
6. **JAMESTOWN BPU – Check for water line hookup \$500 (Residential Tap)**
7. **CHAUTAUQUA CO. EMERGENCY SERVICES – Update of Emergency Operations Plan (EOP)**
8. **JUSTICE, EVERETT BENSINK – Request to attend Magistrates Conference 9/10/13**

- **MOTION # 83 OF 2013**

MR. SENA MOTIONED TO AUTHORIZE JUSTICE BENSINK TO ATTEND THE N.Y.S. MAGISTRATES CONFERENCE STARTING 9/10/13. MR. STOW SECONDED. AYE (4); WHITNEY, STOW, SENA, MCNEILL. NO (0). CARRIED.

9. **TOWN OF ELLERY PUBLIC HEARING LL #2-2013 SITE PLAN REVIEW AND STORMWATER REGULATIONS 7/11/13**

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10. **CHAUTAUQUA CO. HOUSEHOLD HAZARDOUS WASTE DROP OFF DAY – 9/14/13**
Forms for drop off day

11. **HELEN EMICK, ZONING BOARD OF APPEALS – Letter dated 8/12/13 requesting advancement from alternate to permanent position on the resignation of Paul Silzle**

Mrs. Thomas said Mr. Silzle's last meeting for the ZBA will be on 8/28/13, as he is moving to the Town of Harmony.

- **MOTION # 84 OF 2013**

MR. SENA MOTIONED TO APPOINT HELEN EMICK, ZBA ALTERNATE, TO FULFILL THE TERM OF PAUL SILZLE (EXPIRES 12/31/13) ON THE ZONING BOARD OF APPEALS, EFFECTIVE 9/1/2013. MR. STOW SECONDED. AYE (4); WHITNEY, STOW, SENA, MCNEILL. NO (0). CARRIED.

- **OLD BUSINESS:**

- **LOCAL LAW NO. 3 -2013- Schedule SEQR and Public Hearing for Proposed Local Law 3-2013 Site Plan Review and Stormwater Regulation**

- **MOTION # 85 OF 2013**

MR. SENA MOTIONED TO HOLD A SEQR AND PUBLIC HEARING ON PROPOSED LOCAL LAW #3-2013 SITE PLAN REVIEW AND STORMWATER REGULATIONS AT 6:15 PM ON MONDAY 9/9/13, PRIOR TO THE REGULARLY SCHEDULED TOWN BOARD MEETING. MR. MCNEILL SECONDED. AYE (4); WHITNEY, STOW, SENA, MCNEILL. NO (0). CARRIED.

- **DEMOLITION OF RAYNOR HOUSE AT 3459 OLD BRIDGE ROAD- Clean up interior and demolish**

Mr. Sena said he felt the demolition should be put out to bid. He said if the highway has time they can level and gravel the land later or if not, we should include that in the bid.

Mrs. Thomas said we had put out bids for scrapping the building twice and received no response. She said the asbestos survey had been done and no asbestos was found in the house.

Mr. Sena said the board should get together and write specifications for the demolition and advertise it in the P.J.

Mr. Stow said he would like to take the hose reel for use at the dog kennel.

- **MOTION # 86 OF 2013**

MR. SENA MOTIONED TO ADVERTISE FOR BIDS ON THE DEMOLITION OF THE RAYNOR HOUSE WHEN SPECIFICATIONS ARE DEVELOPED. MR. MCNEILL SECONDED. AYE (4); WHITNEY, STOW, SENA, MCNEILL. NO (0). CARRIED.

- **TRANSFER STATION STICKERS-** Discuss hiring individual to check stickers

Mrs. Thomas said her office has issued about 1,000 of the new transfer station stickers.

There was lengthy discussion of issues and suggested remedies related to the transfer station which included:

- *Traffic flow and issues with congestion*

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- *Too many cars there even for station workers to check stickers*
- *Set up work session to discuss a plan of action for the entire program; arrange traffic flow; location of recycling bins; fencing; entrance and exit*
- *Use of cones to direct traffic; use of automatic entrance arm*
- *Concern about contractor only having one employee at times (town pays for 2); timely replacement of overflowing recycle bins (paper, plastic, metal, etc.) which were full at 10:30 AM*
- *Highway building and Butts Park roll offs not emptied last week*
- *Specifications of contract indicate contractor should check stickers*
- *Contract expiration 12/31/13. Clear specifications need to be developed for new contract bid*
- *Use of a brighter colored sticker*
- *Hire a third employee to check stickers for the summer season*

It was discussed that with the end of the summer season coming soon, the traffic situation will abate and there will be an opportunity to work on a better plan of action.

The Board asked the Town Clerk if she could contact Casella so that a meeting could be scheduled to discuss the current situation.

Mrs. Thomas said she would contact Casella and arrange a meeting for the next day if possible.

- **MITCHELL HOUSE-** Discuss roof and wasp nest

Mr. Stow said he had contacted Ray Miller for an estimate of getting the rest of the roof done and Mr. Miller had not gotten back to him by meeting time. He said there are issues with leaks and they need to be addressed or the decision as to whether or not to keep or demolish the house needs to be made. He said the wasp issue had been taken care of by a gentleman who advertises removal.

- **PROPERTY LOCATED AT 5224 STOW-FERRY RD-** Renewed offer on property from Brett Emick \$20,208.00

Mrs. Thomas said the property and the additional 2 acres are assessed at \$20,500.

Mr. Sena said he had drafted a new sign to include the 2 additional acres and it has not yet been completed by Molly Brown Signs. He said there is a septic and well and a minimum for those is \$10,000. He said the town needs to at least cover its cost on the property. He suggested that maybe before the sign is completed we lower the price from \$40,000 to \$35,000. He also suggested getting a real estate agent at some point.

Mr. McNeill suggested advertising it at \$39,900 to give some room to negotiate.

- **MOTION # 87 OF 2013**

MR. SENA MOTIONED TO DECLINE THE PURCHASE OFFER OF \$20,208.00 MADE BY BRETT EMICK FOR THE 5224 STOW FERRY ROAD PROPERTY OWNED BY THE TOWN BASED ON THE INABILITY TO RECOVER COSTS TO THE TOWN. MR. MCNEILL SECONDED. AYE (4); WHITNEY, STOW, SENA, MCNEILL. NO (0). CARRIED.

Mrs. Emick said at the 7/29/13 meeting Mrs. Carlson had indicated that someone else had expressed an interest in the property. She asked if anything had come of that interest.

Mrs. Thomas said nothing that she was aware of.

- **RESOURCE ENERGY, LLC – Road bond in name of Resource Exploration, Inc. returned per letter from TONH dated 7/12/13; Bond principal \$39,434.42; less administrative fee \$2,000; Total refunded \$37,434.42 (TONH T&A check # 6946)**

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- **NEW BUSINESS:**

- **DESTINATION CHAUTAUQUA CO.- Two DVD's from Access Channel 5 on Mayville's 4th of July Celebration**

- **VETERANS MEMORIAL PROPOSAL**

Mr. Whitney said that the rims for the cannons at the park are being donated.

Mr. Stow said Howard Peacock's brother is working on taking the old rim centers and welding them into the new rims.

Mr. Stow said Mr. Saxton had received a quote from Barmore for 4 tires/tubes totaling \$640.00.

Mr. Sena asked if the drawing of the memorial is a survey or just a conceptual drawing of the proposed memorial.

Mr. McNeill said it is just a very preliminary conceptual drawing.

Mr. Whitney said in a brief meeting with Hadley House about the fundraiser for the memorial it had been discussed that it would be good to have a larger size copy of the conceptual drawing at the fundraiser so that people could visualize what we are trying to accomplish and where their donations will be going.

- **WORK EXCHANGE ON DOG KENNEL FOR RENT- \$720.00**

Mr. Stow said in order to meet state standards for a kennel, electric needs to be run to the kennel building and water must be available. He said we had received a quote of \$720 from Bill Lupton for the equipment and work but there is not enough money left in that budget line item to cover the work. He said John Stow was interested in doing the work in exchange for rent and Mrs. Carlson had wanted to bring it up.

Mr. Whitney asked if we needed to have a certified electrician do the work.

Mr. Stow said the work would have to be inspected.

Mr. Lawson said any electrical work would have to have a permit and be inspected but it is not required that a certified electrician do the work.

Mr. Stow said what we are talking about is a circuit for one electrical ground fault outlet on the wall inside the building and a light switch for the light.

Mr. Lawson said the wiring in the trench would have to be inspected before it is buried. Mr. Lawson said he does not perform electrical inspections but there are many others who can.

Mr. Stow said the water line from the garage has a leak in it right at the edge of the garage. He said they could install a hydrant there and use a hose reel to clean the kennels. He said the leak needs repair in any case.

Mr. Sena expressed concern about how this type of transaction would appear in the books.

Mrs. Miller said funds could be transferred at the end of the year or the budget could be amended now.

Mr. Sena said his only concern is how this will show in the rent account and perhaps an audit.

There was further general discussion on funds available in the Dog Control account and how to cover costs and conversely show this in the rental account.

- **MOTION # 88 OF 2013**

MR. SENA MOTIONED TO AUTHORIZE JOHN STOW TO PERFORM THE ELECTRIC AND WATER HOOK UP STATE MANDATED WORK FOR THE DOG KENNEL PROVIDED THE WORK IS INSPECTED AND THE FINANCIAL TRANSACTION IS CLEAN WITH REGARD TO THE WORK EXCHANGE FOR RENT PROPOSAL. FURTHER, WORK AND MATERIALS ARE NOT TO EXCEED \$720.00. MR. MCNEILL SECONDED. AYE (3); WHITNEY, SENA, MCNEILL. ABSTAIN (1); STOW. NO (0). CARRIED.

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- **BUOY OFF LAKEFRONT PROPERTY- Liability- N.Y.S – D.E.C- Albany- Mike Fish from Marine Div. Stg. Block**

Mr. Stapleton said this is in regard to the floating buoy that someone has placed out on the lake which is coming across and encroaching on other property owner's use of their lakefront area. He said this is in the same area of the town owned ROW on Victoria Road where the dock situation previously existed. He said he had spoken to Mr. Fish and under N.Y.S. Law you are required to obtain a permit for any type of buoy if you are not the lakefront owner. He said he believes the buoy owner does not have a permit from the town and the question is whether or not Sgt. Block, Chautauqua Co. Sheriff's Marine Division should be contacted further about the issue. Mr. Stapleton said he believes the conversation initially was between Mrs. Carlson and Mr. Johnston and perhaps we will have to wait until they can clarify the issue. He said there is a boat on the buoy approximately 26-30' and it floats a circumference of 80' depending on the winds.

- **MOTION # 89 OF 2013**

MR. SENA MOTIONED TO AUTHORIZE THE TOWN CLERK TO CONTACT THE CHAUTAUQUA COUNTY SHERIFF'S OFFICE TO PURSUE NORMAL ENFORCEMENT PROCEEDINGS IN THE CASE OF THE UNPERMITTED BUOY LOCATED OFF THE TOWN'S ROW AT VICTORIA RD. MR. MCNEILL SECONDED. AYE (4); WHITNEY, STOW, SENA, MCNEILL. NO (0). CARRIED.

Mr. Stow asked if anyone had contacted the person who put the buoy out and suggested it might just be a matter of talking to them and asking them to remove it.

Mrs. Thomas said she did not know if they had been contacted.

- **SHARED SERVICES WITH ASHVILLE FIRE DISTRICT – Do we need a written agreement for shared services?**

Mrs. Thomas said that Mrs. Carlson had indicated that she had participated in an online conference that basically suggested that the town should have some type of written agreement for shared services (i.e. Fire District purchases diesel fuel from town and reimburses us).

Mr. Whitney said when any shared services happen between the town and county or another municipality, there are written agreements. He said this seems logical.

Mr. Stapleton said shared service is more on the order of sharing a piece of machinery, or man hours, but not the purchase of a commodity. He indicated that perhaps a purchase agreement contract would be a better solution.

Mr. Stow said at one time the Town was doing some snow removal for the Fire Department and they had also helped with the installation of the dry hydrants around the town.

Mr. Strickland said the Fire Department had cut some trees for the highway at one time.

Mr. Lloyd gave a brief description of the original shared service contract with the county and what its purpose was.

Mr. Stow said he is in favor of both the Town and the Fire Department helping each other out when necessary as that is what a community is all about.

Mr. Stapleton said the agreement would be proactive against any objections that might be made to the town getting involved in those types of situations (i.e. sharing equipment, labor). He said he would draft something up.

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- **MOTION # 90 OF 2013**

MR. STOW MOTIONED THAT AN AGREEMENT BE DEVELOPED THAT ALLOWS FOR MUTUAL ASSISTANCE BETWEEN THE TOWN BOARD, HIGHWAY DEPARTMENT AND THE FIRE DEPARTMENT IN THEIR RESPECTIVE OPERATIONS. FURTHER THE TOWN SUPERVISOR IS AUTHORIZED TO SIGN SUCH AGREEMENT. MR. SENA SECONDED. AYE (4); WHITNEY, STOW, SENA, MCNEILL, NO (0). CARRIED.

- **JOHN STOW BRIDGE DEDICATION**

Mr. Stow said during the last conversation he had with Cathy Young's office the tentative date for the dedication is 9/14/13, 11:30 AM, at the Hadley House Restaurant.

- **2014 BUDGET MEETING MONDAY 9/16/13 AT 7:00 PM – Requests to be returned by 9/1/13**

- **REPORTS:**

JAY GOULD, LEGISLATOR

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

- Local Law on tobacco use on any County property tabled
- Board Appointments were made
- Passed resolution for funding a grant for bomb detection (no local funds) for \$157,000

- Passed resolution for canine team grant \$15,000
- Election inspectors will receive a raise from 8/hr. to minimum wage. Pole site Coordinators at 10/hr.; plus \$25; plus \$5 for each election district beginning 1/1/14
- Chautauqua County hosting Inter-County on 8/16/13
- Mr. Gould said he would be out of town for the 9/9/13 meeting

DAN STRICKLAND, HIGHWAY SUPERINTENDENT

Mr. Strickland said he would remove the turnaround sign at Cheney Pt. He said that anything to do with blacktop is behind. He said he would put off any action on the salt shed this year due to budget and time constraints, but would like to include it for next year.

HOWARD PEACOCK, JUSTICE (Copy of Report in Minute Book)

Mr. Peacock read the Justice Report for those present.

ASSESSOR, RANDALL HOLCOMB

Mr. Holcomb's report indicated that there has been one small claim on assessment review for 2013 and he will represent the town. He also said his office is working on filing the school assessment rolls.

BRAD LAWSON, ZONING C.E.O. (Copy of Report in Minute Book)

Mr. Lawson gave a brief overview of his report and indicated that the Zoning Board of Appeals Hearing this month will be very busy with as many as 6 cases.

DAVE LLOYD, STORM WATER PLANNING

Mr. Lloyd provided the following report:

Mitigation Plan Update for 2013

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Completed Thursday 8/8/13 and turned in to Emergency Services, Pat Cook. We will get a copy after all information is compiled in New York City.

North Harmony Emergency Operations Plan

I will be updating this plan for 2013. I have started where Sally has left off. When completed, everyone will get a copy.

Gardens

Betsy Burgeson and her mother have been helping me keep up with weeding and new seeding in the wild flower section with free seeds from Master Gardener's in the Ashville Rain Garden. As we have been working in the garden people have stopped and asked about rain gardens.

Water Problem in Sunrise Cove

Brad Lawson and I have been working to try and resolve this problem.

- **PARKS COMMITTEE**

Mr. Sena said the board will need to discuss the condition of the Lighthouse in the near future as it continues to deteriorate on the inside.

Mr. Stow indicated that the hydrant at Butts Park needs to be replaced and suggested that perhaps John Stow could do the work.

- **VETERANS COMMITTEE – Meeting Scheduled for Thursday 8/22/13 at 10:00 AM**

TOWN CLERK, NANCY THOMAS (Copy of Report in Minute Book)

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

• **MOTION # 91 OF 2013**

MR. STOW MOTIONED TO ACCEPT THE TOWN CLERKS REPORT AS PRESENTED. MR. SENA SECONDED. AYE (4); WHITNEY, STOW, SENA, MCNEILL. NO (0). CARRIED.

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

• **MOTION # 92 OF 2013**

MR. STOW MOTIONED TO ACCEPT THE TOWN SUPERVISORS REPORT AS PRESENTED. MR. SENA SECONDED. AYE (4); WHITNEY, STOW, SENA, MCNEILL. NO (0). CARRIED.

• **MOTION # 93 OF 2013**

MR. STOW MOTIONED TO APPROVE THE GENERAL FUND VOUCHERS IN THE AMOUNT OF \$41,071.46 AS REVIEWED AND AUDITED EARLIER. MR. SENA SECONDED. AYE: (4) STOW, WHITNEY, MCNEILL, SENA. NAY:(0). CARRIED.

• **MOTION # 94 OF 2013**

MR. SENA MOTIONED TO APPROVE THE HIGHWAY FUND VOUCHERS IN THE AMOUNT OF \$54,707.29 AS REVIEWED AND AUDITED EARLIER. MR. MCNEILL SECONDED. AYE: (4); STOW, WHITNEY, MCNEILL, SENA. NAY(0). CARRIED.

• **MOTION # 95 OF 2013**

ON A MOTION MADE BY MR. SENA AND SECONDED BY MR. MCNEILL AND NONE BEING OPPOSED, THE MEETING WAS ADJOURNED AT 8:50 PM.

Nancy M. Thomas, Town Clerk