

**TOWN OF NORTH HARMONY
SEQR AND PUBLIC HEARING – SITE PLAN REVIEW AND STORMWATER
REGULATIONS, LOCAL LAW # 3-2013
MONDAY, 9/9/13, 6:15 PM**

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

OTHERS PRESENT: Don McCord, Small Town Planning; Pierre Chagnon; Louis Rieg, Planning Board; Brad Lawson, Zoning C.E.O.; Louise Ortman, ZBA; David Stapleton, Attorney; Nancy Thomas, Town Clerk

Mrs. Carlson opened the hearing at 6:15 PM.

Mr. Stapleton said that the Town and Planning Boards had met a couple of months ago and various changes had been made to the proposed Local Law. He said the board should have a copy of the local law with bolding to show where those changes had been made.

Mr. Stapleton reviewed Appendix A, SEQR, Full EAF; Part I – PROJECT INFORMATION and PART II – PROJECT IMPACTS AND THEIR MAGNITUDE in its entirety for those present at the hearing.

Mr. Stapleton asked if there were any questions or comments.
There were none.

• **MOTION # 96 OF 2013**

MOVED BY, MR. WHITNEY, SECONDED BY, MR. MCNEILL:

WHEREAS, The Town Board of the Town of North Harmony is considering the adoption of Local Law No. 3 of 2013 to amend the Zoning Code of the Town to create Site Plan Review and adopt Stormwater and Erosion Control Regulations, and

WHEREAS, the proposed law has been subject to environmental review pursuant to Article 8 of the New York State Environmental Conservation Law (State Environmental Quality Review Act), including the preparation and review of a long Environmental Assessment Form, and

WHEREAS, Part 617 of the implementing regulations pertaining to the State Environmental Quality Review Act requires this Board to determine and give notice of the environmental impact of the proposed local law, and

WHEREAS, the Board has determined that the proposed Local Law will not have a significant environmental impact,

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby issues a Determination of Non-Significance, also known as a Negative Declaration, for the proposed Local Law No. 3 of 2013.
AYE (5); WHITNEY, CARLSON, STOW, MCNEILL, SENA. NAY (0). CARRIED

Mr. Stapleton reviewed proposed Local Law No. 3-2013 Section 1. - SITE PLAN REVIEW and Section 2. – STORMWATER REGULATIONS in its entirety. Mr. Stapleton stated for the record that this proposed law has been in the development process by the Planning Board (PB) and the Town Board for more than a year prior to this hearing.

Mrs. Carlson asked Mr. Lawson if he was comfortable with this law as it is written.

Mr. Lawson said yes. He said it puts the onus on the applicant, but it will be well worth it. He said there are many projects that will not go before the PB or the Town Board as they will be satisfied by the **TOWN BOARD (Public Hearing LL # 3-2013)**
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review. He said it just requires that the applicant supply better information in writing. He said it is a good plan.

Mrs. Carlson asked if there were any comments or questions. The hearing was adjourned at 6:35 PM.

The hearing was followed by the regularly scheduled Town Board Meeting.

Nancy Thomas
Town Clerk

**TOWN OF NORTH HARMONY
TOWN BOARD MEETING
MONDAY, 9/9/2013, 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: Don McCord, Small Town Planning; Pierre Chagnon; Louis Rieg, Planning Board; Brad Lawson, Zoning C.E.O.; Louise Ortman, ZBA; David Stapleton, Attorney; Howard Peacock, Justice; Dan Strickland, Highway Sup't.; Robin Miller, Bookkeeper; Dave Lloyd, Stormwater Planner; Nancy Thomas, Town Clerk

- **PLEDGE**

- **MINUTES 08/12/2013**

- **MOTION # 97 OF 2013**
MR. MCNEILL MOTIONED TO ACCEPT THE MINUTES OF THE 8/12/13 TOWN BOARD MEETING AS PRESENTED BY THE TOWN CLERK. MR. STOW SECONDED. AYE (5); WHITNEY, CARLSON, STOW, SENA, MCNEILL. NAY (0). THE MOTION WAS CARRIED.

- **ANNOUNCEMENTS:**
- **THANK YOU TO TOWN BOARD FOR USE OF FORMER REGNER PROPERTY FOR BOB CARLSON'S CELEBRATION OF LIFE**

- **THANK YOU TO HADLEY HOUSE RESTAURANT; JIM WRODA'S AUCTIONS; CHINESE AUCTION DONERS; ALL VOLUNTEERS WHO HELPED WITH THE TONH VETERAN'S MEMORIAL FUNDRAISER 9/1/13**

- *Mr. Lawson had to leave the meeting unexpectedly due to a family emergency.*

- **DEDICATION OF 394 BRIDGE OVER EXPRESSWAY FOR PRIVATE JOHN STOW ON SATURDAY, 9/14/13, 11:30 AM, HADLEY HOUSE RESTAURANT**
Mrs. Thomas said she would contact Access CH5 to see if they could tape the dedication.

- **PUBLIC COMMENT:**

- **CORRESPONDENCE:**

1. **CHAUTAUQUA CO. EXECUTIVE – Landfill Waiver of Fees for 80 Tons of Construction & Demolition Waste**
2. **ASSOCIATION OF TOWNS – Dues for 2014 - \$800**

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3. **CHAUTAUQUA CO. SOIL & WATER – Goose Creek Bank Stabilization; Bly Hill Ditch Stabilization**
4. **PAUL SILZLE – Letter of Resignation from ZBA effective 9/1/13**
5. **ORPS – Equalization Rate 100%**
6. **DAN & THERESA AKIN – Son Andrew Benjamin Akin will be honored as Eagle Scout on October 12, 2013**
7. **ZONING BOARD OF APPEALS – 8/28/13 Minutes**
8. **CHAUT. CO. DESIGNATION OF RESTRICTED HIGHWAY – Rt. 35 & Rt. 12 Intersection of Watts Flats and Kortwright Roads closed for construction 8/20/13**
9. **AUDUBON – OCTOBER EVENTS**
10. **LAKESHORE HUMANE SOCIETY – Dog Ownership Program in Dunkirk**
11. **NEW YORK STATE SMALL BUSINESS SMALL BUSINESS DEVELOPMENT CENTER – Seminars at JCC - 9/18/13 at Carnahan Bldg. 12:30-2:30 on Affordable Care Act – 9/26/13, Opportunities in Franchising**
12. **CWC – Copy of letter to lakefront owners re annual load allocations for total phosphorous**
13. **PENNY BEST, DEPUTY TOWN CLERK – Letter of Resignation effective 9/30/13**
Mrs. Thomas said Mrs. Best has been her deputy for many years and will be greatly missed.

- **OLD BUSINESS:**

- **VETERAN’S MEMORIAL FUNDRAISERS – Jim Wroda Auctions \$753; Hadley House \$1,000; Chinese Auction \$1,033; + Other Donations; for a total of \$3,736.00**

- **REMOVAL OF DERELICT STRUCTURES – Town allowed to dispose of 80 Tons of C&D Waste equal to one two family house each year at landfill**

Mrs. Carlson said the letter from Greg Edwards indicated that the tonnage could be accumulated up to 3 years. She said you can also loan credits to another municipality if they need the extra tonnage for a project.

Mr. Stow asked if it has to be considered a derelict structure.

Mrs. Carlson said yes. She said it can't be something like the Raynor place next door.

- **TRANSFER STATION MEETING WITH CASELLA WASTE – RESULTS**

Mr. McNeill said he felt the response from Casella after the meeting was excellent. He said he had been keeping in touch with Cody and keeping track and things are improving.

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Mr. Sena said some things need tweaking and just this week someone had put a lot of roofing material in the metal bin and all kinds of trash in the glass bin. He asked if it might help to put some type of cover on the bins between uses.

Mrs. Carlson suggested perhaps purchasing a couple of game type cameras to try out there as they are much less expensive than the ones we had before which do not pick up license plates.

Mr. Sena said we also need more signage for traffic and recycling. He said the workers are not helping anymore with the residents recycling.

Mrs. Thomas said she had a complaint from someone about the foul language used by the workers when turning away those without stickers.

Mrs. Carlson said she would contact Casella about the incident.

Mr. Sena asked if she could also ask them to cover the recycle bins. He said the signs that say “form 2 lines” have helped and perhaps we should get some more professional signs printed such as “recycle first”. He said these could help with the flow of traffic.

Mr. Stow said the best solution was a fence because people can hide behind the dumpsters to offload illegally.

There was further general discussion and Mrs. Carlson said she would ask Casella about signs for the recycle bins.

- **AGREEMENT WITH FIRE DISTRICT**

Mr. Stapleton said he had started to work on it and everything he thought about and looked at was specific reasons or services that an agreement would cover. He said he is looking for something more specific (i.e., what are we or they going to provide or receive).

Mrs. Carlson said really they just purchase fuel from the town and pay us. She said currently there is no agreement.

Mr. Stapleton said he would draw something up based on that.

- **MITCHELL HOUSE ROOF ESTIMATE**

Mrs. Carlson said Mr. Stow has received an estimate on a 50 year metal roof and new siding on the dormer for the Mitchell home of \$7,995.00. She said we would need to get 2 more estimates.

Mr. Sena said he would check with Tack Metal out of Frewsburg.

Mr. Stow said one side of the dormer was not sided and that repair is included in the quote. Mrs. Carlson asked if the project could wait until October.

- **ADOPTION LOCAL LAW NO. 3 – 2013 – SITE PLAN REVIEW & STORMWATER REGULATIONS**

- **MOTION # 98 OF 2013**

MR. SENA MOTIONED TO ADOPT LOCAL LAW NO. 3 – 2013 – SITE PLAN REVIEW & STORMWATER REGULATIONS. MR. MCNEILL SECONDED. AYE (5); MCNEILL, WHITNEY, CARLSON, STOW, SENA. NAY (0). THE MOTION WAS CARRIED.

- **NEW BUSINESS:**

- **8/26-30/2013 – BASIC STAR RE-REGISTRATION/VERIFICATION MAILING SCHEDULE**

Mrs. Thomas said NYS has sent out a mailing to property owners advising how to re-register either on line or by phone. The clerk's office will not be involved in the process.

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Mr. Stow said you do have to provide your SSN during this application process.

- **ADVERTISE FOR BIDS FOR TRANSFER STATION**

- **MOTION # 99 OF 2013**

MR. SENA MOTIONED TO ADVERTISE FOR BIDS FOR THE OPERATION OF THE TRANSFER STATION FOR 2014-2015. MR. STOW SECONDED. AYE (5); WHITNEY, STOW, SENA, MCNEILL, CARLSON. NAY (0). THE MOTION WAS CARRIED.

Subsequent to the meeting copies of the previous specifications and contract for the operation of the transfer station were provided to the board so that updates/corrections could be made.

- **SCHEDULE 2014 BUDGET MEETING: 9/16/13 Meeting Cancelled – Rescheduled for 9/11/13, 7:00 PM**

- **WILD ROSE STORAGE – ¼ ACRE**

Mrs. Carlson said this is the ¼ acre owned by the O'Brien family located between the cemetery and Ramsey Road. She said she would like to have authorization to approach the family to purchase or donate the land for storage of brush, drainage, etc., for the cemetery.

Mrs. Thomas said that the family is currently in the process of purchasing grave lots at Maple Grove Cemetery and perhaps some type of in kind exchange would benefit both the family and the town.

There was further general discussion of the idea.

- **NORTH HARMONY CEMETERY – TRANSFER AND TREE REMOVAL**

Mr. Stapleton said he had prepared the deed but he and the Clerk were beginning to look at the survey and other materials and there are questions as to the survey and what the town wants. He said perhaps we should do a physical walk through of the property with the survey.

Mr. Stapleton, Mrs. Carlson and Mrs. Thomas will meet at the cemetery to accomplish this.

- **HYDRANT AT BUTTS PARK**

Mr. Stow said this was discussed at last month's meeting and if there is no issue John Stow will replace the broken hydrant.

- **PENNY BEST, DEPUTY TOWN CLERK – RESIGNATION**

- **MOTION # 100 OF 2013**

MR. WHITNEY MOTIONED TO ACCEPT WITH REGRET THE RESIGNATION OF PENNY BEST, DEPUTY TOWN CLERK, EFFECTIVE 9/30/13. FURTHER, THE TOWN CLERK WAS AUTHORIZED TO ADVERTISE FOR HER REPLACEMENT. MR. MCNEILL SECONDED. AYE (5); WHITNEY, STOW, SENA, MCNEILL, CARLSON. NAY (0). THE MOTION WAS CARRIED.

- **REPORTS:**

JAY GOULD, LEGISLATOR

Mr. Gould is on vacation and Mr. Chagnon gave his report on the August, 2013 Legislative meeting.

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- Confirm user charges: North Chautauqua Lake Sewer District – authorized S&CCSD to enter into contract with GHD for \$3,500 to prepare grant application to NYS for a portion of the cost of an expanded study
- Adjust/increase Real Property Tax accounts by \$35,000 to add greater security to the online tax collectors program
- Authorized agreement with BOCES for School Resource Officers
- Authorize SEQR Review of Waterways Panel 2014 Occupancy Tax Recommendations
- Authorize JCC Capital Project – Catt. Co. Campus (Purchase of Knights of Columbus facility for Manufacturing & Tech. programming not to exceed \$2,200,000.00)
- Request CCIDA to adopt Local Labor and Supplier Policy for projects receiving CCIDA funding (Tabled)
- Rejected amendment to Chaut. Co. Administrative Code intended to make clear any actions to sell the county home. This should clear the way for any action taken to sell the home.

RANDY HOLCOMB, ASSESSOR

Mrs. Carlson gave a brief summary of the Assessor Report. One Small Claim of Assessment Review filed on the 2014 tax roll: 13 Chautauqua Escapes owned by Lawrence and Kathleen Wagner. School taxes have been mailed out and they are working on preparing for the printing of the Town and County tax bills.

DAN STRICKLAND, HIGHWAY SUPERINTENDENT

Mr. Strickland said they are still waiting to blacktop Bly Hill and Cheney Roads. He said the machine is currently unavailable and all the towns are behind on blacktopping. He said the oiling was completed last week. He said they are trying a new blacktop that is smoother and goes on thinner in order to stretch materials. Mr. Strickland said they have not yet spent the majority of their CHIPS money but Bly Hill and Cheney will use those funds up. He said last year they spent \$99,000 on oil and got the roads done early. This year they have spent \$72,000 on oil so far.

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

Mr. Peacock read the August, 2013 Court Report for those present. There was a total of 7 DWI's in August.

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

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

DAVE LLOYD, STORMWATER PLANNER

Emergency Operations Plan

As a new school year has started, there have been changes in contact information. Panama, CLCS and BOCES schools along with the North Harmony Senior Citizen's Center are currently our Emergency Evacuation Shelters. I found that our information was outdated, but so were Emergency Services and the Red Cross of Southern Chautauqua County. That information is now up to date for all parties. Elected official information can change every two years or sooner based on elections and residency in the town. This can also be true for Fire Service members. I would recommend that this information be reviewed every 3 months to keep the plan up to date. New information was given to me when requested; however, it does not seem to be automatic as change happens. Emergency Services has offered to host a meeting to go over each person's role. I should have the plan finished for review by the first of next week.

Mrs. Carlson thanked Mr. Lloyd for taking on this project.

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Cheney's Point Project and Ashville Water Garden

The project has a new bench and a neighborhood group has been working on the flower gardens. The Ashville Water Garden has two new benches.

I will be meeting with Dan to go over mitigation plans he may want to work on in the years to come.

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

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

• **MOTION # 101 OF 2013**

MR. STOW MOTIONED TO ACCEPT THE TOWN CLERKS REPORT AS PRESENTED. MR. SENA SECONDED. AYE (5); WHITNEY, STOW, SENA, MCNEILL, CARLSON. NAY (0). CARRIED.

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

• **MOTION # 102 OF 2013**

MR. STOW MOTIONED TO ACCEPT THE TOWN SUPERVISORS REPORT AS PRESENTED. MR. SENA SECONDED. AYE (5); WHITNEY, STOW, SENA, MCNEILL, CARLSON. NAY (0). CARRIED.

- **MOTION # 103 OF 2013**

MR. WHITNEY MOTIONED TO APPROVE THE GENERAL FUND VOUCHERS IN THE AMOUNT OF \$21,801.46 AS REVIEWED AND AUDITED EARLIER. MR. MCNEILL SECONDED. AYE: (5) STOW, WHITNEY, MCNEILL, SENA, CARLSON. NAY:(0). CARRIED.

- **MOTION # 104 OF 2013**

MR. WHITNEY MOTIONED TO APPROVE THE HIGHWAY FUND VOUCHERS IN THE AMOUNT OF \$25,381.08 AS REVIEWED AND AUDITED EARLIER. MR. MCNEILL SECONDED. AYE: (5); STOW, WHITNEY, MCNEILL, SENA, CARLSON. NAY(0). CARRIED.

- **MOTION # 105 OF 2013**

ON A MOTION MADE BY MR. SENA AND SECONDED BY MR. STOW AND NONE BEING OPPOSED, THE MEETING WAS ADJOURNED AT 8:30 PM.

*Nancy M. Thomas
Town Clerk*