

**TOWN OF NORTH HARMONY  
TOWN BOARD MEETING  
MONDAY, 12/9/2013, 7:00 PM**

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

**OTHERS PRESENT:** Dave Stapleton, Attorney; Howard Peacock & Everett Bensink, Justice; Dan Strickland, Highway Superintendent; Brad Lawson, Zoning CEO; Jay Gould, Legislator; Pierre Chagnon; Louis Rieg, Planning Board; Robin Miller, Bookkeeper; John Beichner, Beichner Services; Nancy Thomas, Town Clerk

- **HOSPICE “LIGHT A LIFE” TREE SERVICE AT 6:30 PM**
- **PLEDGE**
- **MINUTES 11/11/2013 BOARD MEETING**
- **MOTION #126 OF 2013**  
MR. STOW MOTIONED TO ACCEPT THE MINUTES OF THE 11/11/13 TOWN BOARD MEETING AS PRESENTED BY THE CLERK. MR. MCNEILL SECONDED. AYE (5): WHITNEY, MCNEILL, CARLSON, STOW, SENA. NO (0). THE MOTION WAS CARRIED.
- **ANNOUNCEMENTS:**
- **ELECTION OF ASHVILLE FIRE DIST. COMMISSIONERS, TUES. 12/10/13 6-9:00 PM**

- **PUBLIC COMMENT:**

Mr. Sena said he would like to congratulate the owner of Candle Escent on their 25 years in business. He also congratulated the students of JCC for taking 1<sup>st</sup> Place in the recent talent contest.

- **CORRESPONDENCE:**

1. **ASSESSOR – PROPERTY SALES/TRANSFERS OCTOBER, 2013**
2. **TIME WARNER CABLE – Franchise fees received \$1,778.33**

3. NYSERDA – Grant for Electric Vehicle Outlets

4. MAYVILLE TREMAINE INS. – Refund of \$1,631.00 (Town’s initial investment to join)

5. NYS COMPTROLLER – EMPLOYEE FORUM

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6. NYS TAXATION & FINANCE - Application received for Reval Work

Mrs. Carlson said that the town gets reimbursed for the number of parcels that revaluations are performed on.

7. HELP RE-POWER WESTERN NY ECONOMY

Mr. Stow said this is a movement to change the power plant in Dunkirk from coal to natural gas. He said they are asking for support for this project to create jobs and lower energy bills. He asked that the board go on record in favor of this.

- **MOTION #127 OF 2013**

MR. STOW MOTIONED THAT THE TOWN OF NORTH HARMONY GO ON RECORD IN SUPPORT OF THE “HELP RE-POWER WNY ECONOMY” MOVEMENT. MR. SENA SECONDED. AYE (5): WHITNEY, MCNEILL, CARLSON, STOW, SENA. NO (0). THE MOTION WAS CARRIED.

- **OLD BUSINESS:**

- **TRANSFER STATION BIDS: Casella \$3,450; Beichner \$3,200**

Mrs. Carlson said two bids had been received for the operation of the transfer station: Casella Waste \$3,450/mo. and Beichner’s \$3,200/mo. She said they had met with Beichner’s to discuss their ability to provide the proper equipment for the job and at the conclusion it was felt they were capable of supporting the service to the town.

- **MOTION #128 OF 2013**

MR. MCNEILL MOTIONED TO ACCEPT THE BID OF BEICHNER SERVICES FOR THE OPERATION OF THE TRANSFER STATION FOR 2014 AND 2015 AT A COST OF \$3,200.00/MONTH.

**Discussion:**

Mr. Stow asked if the town intended to accept the two additional year options (2016-17).

Mrs. Thomas said the town can as that was how the bid was written.

*There was discussion that the additional optional years are at the town’s discretion.*

FURTHER, THE ADDITIONAL 1-2 YEAR OPTION MAY BE EXERCISED AT THE BOARDS DISCRETION. MR. STOW SECONDED. AYE (5): WHITNEY, MCNEILL, CARLSON, STOW, SENA. NO (0). THE MOTION WAS CARRIED.

**Mr. Beichner** thanked the board for the bid award and said that all business would be conducted directly with the owner and operators of the service. He asked if he could meet with someone about the transition and any instructions necessary.

**Mr. Strickland** said everyone appears to be happy with the current setup and they agreed to meet and discuss the situation.

**Mr. Sena** noted that all other locations of pick up (i.e. dumpsters at town, highway and the 3 park areas) had been discussed and the town will pay an additional \$10/mo. each for them when they are in use.

**Mr. Whitney** said he would like to take this opportunity to thank Casella Waste for their service to the town. He said they had done a good job for the town and been very responsive in their service.

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- **VETERANS PARK**

**Mrs. Carlson** said that Bob Hagstrom had made a very generous \$2,000.00 donation to sponsor one of the benches at Veterans Park. She said the newsletters should be going out this week.

- **RAYNOR HOME – Demolition of Home on Town owned property**

**Mrs. Carlson** thanked Mr. Strickland and Mr. Sena for their help in getting the home next to the community building cleaned out and demolished.

- **COMMUNITY BUILDING – Roof Repair**

**Mrs. Carlson** thanked Mr. Stow for arranging the repair of the Community Building roof (leak in ladies room) with Stewart Tefft, Contractor.

- **NEW BUSINESS:**

- **SCHEDULE YEAR END MEETING**

- **MOTION #129 OF 2013**

**MR. SENA MOTIONED TO HOLD THE 2013 YEAR END MEETING ON FRIDAY, 12/27/13, AT 12:00 PM. MR. MCNEILL SECONDED. AYE (5): WHITNEY, MCNEILL, CARLSON, STOW, SENA. NO (0). THE MOTION WAS CARRIED.**

- **MUNICIPAL RESOLUTION – Water Quality Improvement Projects and Nonagricultural Nonpoint Source Projects**

**Mrs. Carlson** said she thinks this is the same motion needed to apply for grant funding through Soil and Water for the highway salt shed that the town needs.

- **RESOLUTION #130 OF 2013**

**MR. WHITNEY MOTIONED TO ADOPT THE FOLLOWING Water Quality Improvement Projects and Nonagricultural Nonpoint Source Projects Municipal Resolution. MR. STOW**

SECONDED. AYE (5): WHITNEY, MCNEILL, CARLSON, STOW, SENA. NO (0). THE MOTION WAS CARRIED.

# Municipal Resolution

## Water Quality Improvement Projects and Nonagricultural Nonpoint Source Projects Municipal Resolution

Resolution authorizing the items listed below pursuant to the Bond Acts enacted in 1965, 1972 and 1996 and the Environmental Protection Fund, as well as federal grant awards available for such projects.

WHEREAS, The Town of North Harmony  
(Legal Name of Municipality)

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herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED BY The Town Board of the Town of North Harmony  
(Governing Body of Municipality)

1. That Dan Strickland, Highway Superintendent, (Name and Title of Designated Authorized Representative) or such person's successor in office, is the representative authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance;
2. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;
3. That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation
4. That this Resolution take effect immediately.

CERTIFICATE OF RECORDING OFFICER

That the attached Resolution is a true and correct copy of the Resolution, as regularly adopted at a legally convened meeting of the Town of North Harmony Town Board  
(Name of Governing Body of Applicant)  
duly held on the 9th day of December, 2013; and further that such Resolution has been fully recorded in the Minute Book of the Town of North Harmony in my office.  
(Title of Record Book)

In witness thereof, I have hereunto set my hand this 9th day of December, 2013.

\_\_\_\_\_  
Signature of Recording Officer

If the Applicant has an Official Seal, Impress here.

\_\_\_\_\_  
Title of Recording Officer

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• **MOTION #131 OF 2013**

MR. STOW MOTIONED TO AUTHORIZE THE SUPERVISOR TO APPLY FOR GRANT FUNDING FOR A SALT SHED AT THE TOWN OF NORTH HARMONY HIGHWAY BUILDING TO PREVENT SALT RUNOFF INTO BALL CREEK AS OUTLINED IN THE *WATER QUALITY IMPROVEMENT PROJECTS AND NONAGRICULTURAL NONPOINT SOURCE PROJECTS MUNICIPAL RESOLUTION*. MR. SENA SECONDED. AYE (5): WHITNEY, MCNEILL, CARLSON, STOW, SENA. NO (0). **THE MOTION WAS CARRIED.**

• **AUTHORIZE SUPERVISOR TO ATTEND STW GRANTSMANSHIP WORKSHOP**

**Mrs. Carlson** said she would like to attend the workshop and requested that the funding be taken out of this year's budget.

• **MOTION #132 OF 2013**

MR. STOW MOTIONED TO AUTHORIZE THE SUPERVISOR TO ATTEND A TWO DAY GRANT WORKSHOP AT SOUTHERN TIER WEST IN 2014 WITH FUNDING FOR THAT WORKSHOP TAKEN FROM THE 2013 BUDGET. MR. SENA SECONDED. AYE (5): WHITNEY, MCNEILL, CARLSON, STOW, SENA. NO (0). **THE MOTION WAS CARRIED**

• **SWEARING IN LUNCHEON – Elected and Appointed Officials – WED. 1/1/14 AT 12:00 PM**

• **MOTION #133 OF 2013**

MR. WHITNEY MOTIONED TO HOLD A SWEARING IN CEREMONY FOR ELECTED AND APPOINTED OFFICIALS ON WEDNESDAY, JANUARY 1, 2014, AT 12:00 PM. MR. MCNEILL SECONDED. AYE (5): WHITNEY, MCNEILL, CARLSON, STOW, SENA. NO (0). THE MOTION WAS CARRIED.

- **TRANSFER OF KEEFE PROPERTY TO TOWN OF NORTH HARMONY FOR NORTH HARMONY CEMETERY EXPANSION**

Mr. Stapleton said that the record should reflect that a proposed agreement has been drafted for that transaction to occur and the board should authorize the Supervisor to sign the agreement in the format that the town attorney agrees is appropriate and necessary.

Mr. Sena said there is an issue involved.

Mrs. Carlson said she had spoken to the attorney about it. She said the Keefe's will receive no more than 20 graves in the exchange and since they own three sides of the cemetery that is what we will have to do.

Mr. Stapleton said a consideration for the agreement was that the Keefe's would receive 20 grave lots that are strictly for the lineal descendents of the Keefe's or their immediate family and cannot be sold to any other third party.

*There was general discussion of how many lots will be left for expansion. It was determined that until you have the survey you cannot lay out the lots. There was also discussion of the past and present dynamics of the property.*

- **MOTION #134 OF 2013**

MR. WHITNEY MOTIONED TO AUTHORIZE THE SUPERVISOR TO ENTER INTO A WRITTEN AGREEMENT FOR THE ACCEPTANCE OF APPROXIMATELY ¼ ACRE OF TOWN BOARD  
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LAND FROM DON AND MICHELLE KEEFE AND CHRIS KEEFE FOR THE PURPOSE OF THE EXPANSION OF THE NORTH HARMONY CEMETERY. MR. MCNEILL SECONDED. AYE (5): WHITNEY, MCNEILL, CARLSON, STOW, SENA. NO (0). THE MOTION WAS CARRIED.

- **REPORTS:**

**JAY GOULD, LEGISLATOR**

**Mr. Gould said the following occurred in the Legislature in November, 2013:**

- Gave Soil & Water Conservation a 25 year lease on their barn at the Ag Center at \$1/year
- Numerous appointments to boards including: John Churchill, Airport Commission; Ellen Coffaro, Aging Advisory Board; Monty Kennedy, Sports Fishery
- Mortgage tax paid to North Harmony \$25,456.82
- Enhanced police protection for Silver Creek at \$94,413.00/quarter
- Voted \$300,000 for CCIDA bonds to purchase Maplevale Farms.
- Equalization rates for North Harmony and Ellery is at 100%

Mr. Gould said it had been a pleasure serving as legislator for North Harmony.

**RANDY HOLCOMB, ASSESSOR**

Mrs. Thomas said Mr. Holcomb's report indicated that the roll has been sent to the county for tax rate calculation and bill creation. Tax collection begins 1/13/14. Enhanced STAR exemption renewals will be mailed in January with income limit of \$81,900 or lower. Deadline for filing all exemptions is 3/1/14.

**DAN STRICKLAND, HIGHWAY SUPERINTENDENT**

Mr. Strickland said the new truck should be arriving next week. The CHIPS reimbursement date is 12/15/13, and the town will hold the payment for the truck until that check is received. He said truck #1 is having the engine overhauled and should be done very soon. He said Cummins Engine helped with trouble shooting the engine problem on the truck. He said they ended up giving us pistons, liners and rings at a cost of about \$3,000 at no charge. Mr. Strickland said he would not hire a temporary employee at this time. He said he would wait until he received a further report on Mr. Asel's health.

**EVERETT BENSINK, JUSTICE (Copy in Minute Book)**

Mr. Bensink read the court report for those present.

• **MOTION #135 OF 2013**

MR. SENA MOTIONED TO AUTHORIZE THE APPOINTMENT OF KATY A. ZIMMER AS DEPUTY COURT CLERK AT \$10/HR. EFFECTIVE 1/1/2014. MR. WHITNEY SECONDED. AYE (5): WHITNEY, MCNEILL, CARLSON, STOW, SENA. NO (0). THE MOTION WAS CARRIED.

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

Mr. Lawson reviewed his report and added that there will be a case before the PB and the ZBA for Revere Cheese House to be located at the former Berry's Bookstore. He said Carlton homes will also be presenting another development idea for the Ashville Bay Road property which may eliminate the need for any type of variances. He said that he and Mrs. Carlson had met with Northwest Savings Bank on the Bootey Bay Property and made the towns' negative position on the possible sale of the entire property to the **TOWN BOARD**

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DEC very clear. Mr. Lawson said that Mr. McCord has given out what they hope is the final draft of the updates to the Zoning Ordinance (158 pages).

Mr. Sena asked if anyone had been found to take the Planning Board minutes.

Mrs. Thomas said that Kristy Vaillancourt indicated she would try to fill that function.

**NANCY THOMAS, TOWN CLERK (Copy in Minute Book)**

Mrs. Thomas said that she is currently training a new Deputy, Kristy Vaillancourt. She requested a motion by the board to appoint Mrs. Vaillancourt.

• **MOTION #136 OF 2013**

MR. WHITNEY MOTIONED TO AUTHORIZE THE APPOINTMENT OF KRISTY VAILLANCOURT AS DEPUTY TOWN CLERK AT RATE OF \$10/HR. EFFECTIVE 11/25/13

MR. STOW SECONDED. AYE (5); WHITNEY, MCNEILL, CARLSON, STOW, SENA. NO (0).  
THE MOTION WAS CARRIED.

- **MOTION #137 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.

- **VETERANS MEMORIAL COMMITTEE - Next meeting in January, 2014**

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

- **MOTION #138 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.

- **MOTION #139 OF 2013**

MR. WHITNEY MOTIONED TO APPROVE THE GENERAL FUND VOUCHERS IN THE AMOUNT OF \$49,801.62 AS REVIEWED AND AUDITED EARLIER. MR. MCNEILL SECONDED. AYE (5) STOW, SENA, WHITNEY, MCNEILL, CARLSON; NAY:(0).  
CARRIED.

- **MOTION #140 OF 2013**

MR. WHITNEY MOTIONED TO APPROVE THE HIGHWAY FUND VOUCHERS IN THE AMOUNT OF \$125,282.15 AS REVIEWED AND AUDITED EARLIER. MR. MCNEILL SECONDED. AYE (5); STOW, SENA, WHITNEY, MCNEILL, CARLSON; NAY(0). **CARRIED.**

- **MOTION #141 OF 2013**

ON A MOTION MADE BY MR. MCNEILL AND SECONDED BY MR. STOW, THE MEETING WAS ADJOURNED AT 8:00 PM.

*Nancy M. Thomas, Town Clerk*