

**TOWN OF NORTH HARMONY
TOWN BOARD MEETING
MONDAY, 1/8/2024 7:00 PM**

ROBERT YATES, SUPERVISOR	PRESENT
DICK SENA, COUNCIL	PRESENT
LOUISE ORTMAN, COUNCIL	PRESENT
NIKIEL ADAMS, COUNCIL	PRESENT
MIKE PFEIL, COUNCIL	ABSENT

OTHERS PRESENT: Robin Miller, Bookkeeper; Stephanie Gibbs, Town Clerk; Kelly Johnson, Attorney; Benny Karlson, Highway Superintendent; Jonathan Henck; Howard Peacock, Justice; Pierre Chagnon, Legislature.

Mr. Yates brought the Town Board meeting to order at 7:00 PM

- **PLEDGE**
- **MINUTES: 12/11/2023 and 12/22/2023 (YEAR END)**

MOTION # 8 OF 2024

MR. SENA MOTIONED TO ADOPT THE MINUTES OF THE 12/11/2023 AND 12/22/2023 (YEAR-END) TOWN BOARD MEETING AS PRESENTED BY THE DEPUTY TOWN CLERK. MR. SENA SECONDED. YES (5): SENA, YATES, PFEIL, ORTMAN, ADAMS. NO (0). THE MOTION WAS CARRIED.

- **ANNOUNCEMENTS:**
- **PUBLIC COMMENT:**
- **RESOLUTIONS:**

RESOLUTION # 1 OF 2024 – ADOPT LOCAL LAW #1 OF 2024 A LOCAL LAW ENACTING A PROPERTY TAX EXEMPTION FOR VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS.

Mr. Ortman stated that after working with Anne Golley, Town Assessor it was determined that a person would have to have a house property value of a minimum of \$160,000.00 for them to benefit from this exemption apposed to the state income tax credit. She said individuals that rent will not have the opportunity to benefit from this exemption. Mr. Ortman said she would like to do something for the firefighters and ambulance workers without them having to own property to benefit. She said she was also informed that the school districts are looking into a similar exemption to get a credit off the school tax. She said the break point for Chautauqua Lake Central school would be \$85,000.00 or better, Panama Central School would be \$65,000.00 or better and Sherman Central School would be \$63,000.00 or better. She said the school exemption has not been enacted and might not be.

• **MOTION # 9 OF 2024**

MRS. ORTMAN MOTIONED TO ADOPT THE FOLLOWING RESOLUTION TO RENEW A 30-DAY CD FOR \$303,581.03 AT A 4.75% INTEREST RATE.

RESOLUTION # 1 OF 2024; RESOLUTION ADOPTING LOCAL LAW NO. 1 OF 2024

WHEREAS, proposed Local Law No. 1 of 2024 of the Town of North Harmony entitled “A Local Law Enacting a Property Tax Exemption for Volunteer Firefighters and Ambulance Workers Pursuant to Section 466-a of the Real Property Tax Law” which proposed Local Law was presented to the Town Board at the meeting held on December 22, 2023, and a copy thereof was kept with the Town Clerk and copies were provided to each member of the Town Board, at least ten (10) days, exclusive of Sundays, prior to its final passage; and

WHEREAS, a public hearing on the advisability of enacting said proposed Local Law was held on January 2, 2024, before this Town Board, pursuant to public notice published in The Post Journal, and posted on the Town of North Harmony’s website, according to law, at which time all interested persons were heard; and

WHEREAS, the Town Board of the Town of North Harmony, New York, is of the opinion that adoption of said proposed Local Law No. 1 of 2024 is in the best interests of the Town of North Harmony, New York;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of North Harmony, New York that said proposed Local Law No. 1 of 2024, be and the same hereby adopted, and such Local Law shall be entered in the minutes of the North Harmony Town Board; and

BE IT FURTHER RESOLVED, that certified copies of said Local Law No. 1 of 2024 in its final form be filed with the New York State Secretary of State in accordance with Law; and

BE IT FURTHER RESOLVED, that this Local Law in its final form shall become effective as provided by law upon its filing in the Office of the Secretary of State

MRS. ADAMS SECONDED. A ROLL CALL VOTE WAS TAKEN BY MRS. GIBBS, TOWN CLERK OF THE FULL FOUR VOTING MEMBERS PRESENT:

Robert Yates, Supervisor	Yes
Louis Ortman, Council	Yes
Richard Sena, Council	Yes
Nikiel Adams, Council	Yes

THE MOTION WAS CARRIED.

RESOLUTION # 2 OF 2024 – 180 – DAY CD FOR \$303,576.90 AT A 4.75% INTEREST RATE.

Mr. Yates said in the past the CD was for 30 days.

Mrs. Miller said she would like to propose renewing the CD for 180 days. She said they can change it back to 30 days if they would prefer renewing the CD for 30 days.

Mr. Yates said the benefit of renewing for 180 days is we will earn a little over \$10,000.00.

Mrs. Ortman said the interest rates are not going to go any higher and the feds softly said they could be going down as low as three quarters. She said we will still be locked in if the rates drop so she would agree to go for 6 months.

Mr. Yates said after talking to M&T bank he discovered other municipalities are not going beyond 6 months.

Mr. Sena asked if that was the best the bank could do. He said most every other bank is 5% or more.

Mrs. Miller said it is not the same for government or municipalities.

Mr. Sena said he is okay with it if it won't hurt the towns cash flow. He said that if we need to take it for any reason, he believes the penalty is 3 months interest.

Mrs. Miller said she cannot confirm that.

Mr. Yates asked Mr. Chagnon if the County invested their money and if so how.

Mr. Chagnon said they have long-term and short-term investments. He said they invest through an investment trust that the town could participate in. Mr. Chagnon said he doesn't know all the details, but he could provide the information. He said the nice part is the money is accessible.

Mrs. Miller said the actual amount is not correct in the resolution. She believes the amount that will be deposited on 1/12/2024 will be \$304,500.18.

Mr. Yates asked if the amount can be corrected.

Mrs. Johnson said technically no. She said the resolution should be specific especially with money.

Mr. Yates said we will have to table this resolution. He said the bank was delinquent with giving the town the interest, so they are crediting the town, but the town does not have that amount yet. Mr. Yates said we have been given an amount by word of mouth but have not received an email or document for confirmation.

Mrs. Johnson said if the Town Board wanted to make a resolution with the numbers, they have now stated that further amounts will be added to that and there will be an amendment when the final numbers are received.

- **MOTION #10 OF 2024**

MR. SENA MOTIONED TO ADOPT THE FOLLOWING RESOLUTION TO RENEW A 180-DAY CD FOR \$303,576.90 AT A 4.75% INTEREST RATE.

RESOLUTION # 2 OF 2024 180-DAY CD FOR \$303,576.90 AT A 4.75% INTEREST RATE

WHEREAS, the Town of North Harmony has a Collateral Agreement and an Investment Policy with M&T Bank for a 180-day Certificate of Deposit with a 4.75% interest rate for \$303,576.90.

NOW THEREFORE BE RESOLVED, that the Town Board of the Town of North Harmony will renew a \$303,576.90 180-day Certificate of Deposit (CD) at a 4.75% interest rate with M&T bank.

MRS. ORTMAN SECONDED. A ROLL CALL VOTE WAS TAKEN BY MRS. GIBBS, TOWN CLERK OF THE FULL FOUR VOTING MEMBERS PRESENT:

Robert Yates, Supervisor	Yes
Louis Ortman, Council	Yes
Richard Sena, Council	Yes
Nikiel Adams, Council	Yes

THE MOTION WAS CARRIED.

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

ASSESSOR – NOVEMBER PROPERTY TRANSFERS: A/V: \$1,790,700.00 S/P: \$4,200,000.00 (+\$2,409,300.00)

Mr. Sena said he doesn't believe the selling price amount is correct. He said there was one individual that bought 4 parcels and they listed the amount he paid on all 4 parcels. He said he believed he might have paid \$895,000.00 for all the parcels together.

- **OLD BUSINESS:**

NEW HIGHWAY TRUCK

Mr. Karlson said he would like to go out to bid for 2 new trucks. He said the Highway is in need of a new bay plow truck and a haul truck.

MOTION # 11 OF 2024

MRS. ORTMAN MOTIONED TO AUTHORIZE MR. KARLSON, HIGHWAY SUPERINTENDENT TO GO OUT TO BID ON 2 NEW TRUCKS. MRS. ADAMS SECONDED. YES (4): SENA, YATES, ADAMS, ORTMAN. NO (0). THE MOTION WAS CARRIED.

- **NEW BUSINESS:**

AGREEMENT FOR THE EXPENDITURES OF HIGHWAY MONIES

MOTION # 12 OF 2024

MRS. ORTMAN MOTIONED TO ACCEPT THE AGREEMENT FOR THE EXPENDITURES OF HIGHWAY MONIES SUBMITTED BY MR. KARLSON, HIGHWAY SUPERINTENDENT. MR. SENA SECONDED. YES (4): SENA, YATES, ADAMS, ORTMAN. NO (0). THE MOTION WAS CARRIED.

SET FEMA RATES

Mr. Karlson said after speaking to other Highway Superintendents it was recommended to set the rental rates according to FEMA rates in Highway Law Section 143.

MOTION # 13 OF 2024

MR. SENA MOTIONED TO SET FEMA RENTAL RATES ACCORDING TO SECTION 143 OF THE HIGHWAY LAW. MRS. ORTMAN SECONDED. YES (4): SENA, YATES, ADAMS, ORTMAN. NO (0). THE MOTION WAS CARRIED.

WQIP GRAND RECEIVED - \$108,142.25.

RECEIVED MORTGAGE TAX REVENUE CODE A3005 - \$16,653.25.

SCHEDULE JOINT MEETING – SATURDAY, 2/24/2024 @ 1:00 PM

Mr. Yates said he would like to have a joint meeting with all three boards to discuss a lawsuit and how to prevent it from happening in the future and short-term rentals.

MOTION # 14 OF 2024

MR. YATES MOTIONED TO SCHEDULE A JOINT BOARD MEETING INCLUDING THE TOWN BOARD, ZONING BOARD OF APPEALS, AND PLANNING BOARD MEMBERS ON SATURDAY, 2/24/2024 AT 1:00 PM. MRS. ORTMAN SECONDED. YES (4): SENA, YATES, ADAMS, ORTMAN. NO (0). THE MOTION WAS CARRIED.

- **ALL OTHER BUSINESS AS NECESSARY**

AMEND APPOINTMENTS AND SALARIES SCHEDULE

Mr. Yates said Lori Holder's hourly rate needs to be changed from \$20/hr. to \$20.60/hr.

HIGHWAY M.E.O. AUSTIN DAVIS - \$1/HR RAISE EFFECTIVE 2/7/2024 (\$23/HR; \$34.50/HR OT)

MOTION # 15 OF 2024

MR. SENA MOTIONED TO AUTHORIZE M.E.O AUSTIN DAVIS A \$1/HR RAISE EFFECTIVE 2/7/2024 (\$23/HR; \$34.50/HR OT). MRS. ORTMAN SECONDED. YES (4): ORTMAN, SENA, ADAMS, YATES. NO (0). THE MOTION WAS CARRIED.

- **REPORTS**

PIERRE CHAGNON, LEGISLATOR

Mr. Chagnon read the following report into the record.

- I was reappointed to the Chautauqua County Soil and Water Conservation District Board of Directors
- We tabled a resolution to use \$100,000 of Occupancy Tax funds for the Chautauqua Region Economic Development Corporation to initiate a Public Art Program
- We established real property equalization rates for 2024:
 - Ellery is 69.7%, down from 78.6% in 2023 12.8% increase.
 - North Harmony is 66.5%, down from 76.2% in 2023 14.6% increase.
 - Chautauqua is 86.1%, down from 99% in 2023 15% increase.
- We distributed Mortgage Tax collected from April 1, 2023, through September 30, 2023
 - Ellery \$51,936.42, down from \$82,880.32 for the same period last year
 - North Harmony \$16,653.25, down from \$27,034.01 for the same period last year
 - Chautauqua \$45,186.62, down from \$56,058.28 for the same period last year
 - Bemus Point \$3,477.95, down from \$5,570.04 for the same period last year.
- And at the 2024 organizational meeting of the Chautauqua County Legislature, I was reelected Chairman unanimously.

ANNE GOLLEY, ASSESSOR

Mr. Yates read the following report into the record.

TOWN OF NORTH HARMONY ASSESSOR'S REPORT January 2024

In January, the office has been continuing with fieldwork, and receiving exemption renewals back into the office.
Tax bills have been sent out and the office has been fielding phone calls and providing any apportionments when needed.
Thank you for your continued support of the Assessor's Office.

HOWARD PEACOCK, JUSTICE

Mr. Peacock read the following report into the record.

**COURT REPORT FOR THE MONTH OF
DECEMBER 2023**

For the month of December:

\$31,428.00 in fines, fees, and surcharges was collected by the Court and was given to the Town of North Harmony CFO for the court cases reported to the NYS Comptroller for **November 2023**. We **opened 210** new cases and **closed 187** cases.

Respectfully Submitted,

Katie A. Zimmer

Court Clerk

January 4, 2024

BENNY KARLSON, HIGHWAY SUPERINTENDENT (Copy of Report in Minute Book)

BRAD LAWSON, ZONING C.E.O. (No Report)

JOHN STOW, DCO

Mr. Yates read the following report into the record.

This month I had a couple of phone calls for lost dogs and one call from the Health Department about a dog bite. Both dogs were found shortly after calling me.

The dog bite was investigated. It was a family dog that bit while the family member was trying to break up a fight between the dogs. No dangerous dog paperwork was filed. The Health Department was checking in to confirm vaccinations were current, which they were. The dog was also licensed.

What do dogs do after they finish obedience school?

They get their masters!

John Stow
DCO

STEPHANIE GIBBS, DEPUTY TOWN CLERK (Copy of Report in Minute Book)

Mrs. Gibbs said she had nothing further to add to her report.

ROBERT YATES, SUPERVISOR (Copy of Report in Minute Book)

Mr. Yates said he had nothing further to add to his written report.

MOTION # 16 OF 2024

MR. SENA MOTIONED TO ACCEPT THE REPORTS OF THE TOWN CLERK AND SUPERVISOR AS PRESENTED. MRS. ADAMS SECONDED. YES (4): SENA, YATES, ADAMS, ORTMAN. NO (0). THE MOTION WAS CARRIED.

MOTION # 17 OF 2024

MRS. ORTMAN MOTIONED TO APPROVE THE FOLLOWING VOUCHERS FOR PAYMENT AS REVIEWED AND AUDITED EARLIER:

GENERAL FUND \$14,444.11

HIGHWAY FUND \$ 7,173.98

MR. YATES SECONDED. YES (4): SENA, YATES, ADAMS, ORTMAN. NO (0). THE MOTION WAS CARRIED.

MOTION # 18 OF 2024

ON A MOTION MADE BY MR. SENA, SECONDED BY MRS. ADAMS AND NONE BEING OPPOSED, THE MEETING WAS ADJOURNED AT 8:10 PM.

Stephanie Gibbs
Town Clerk